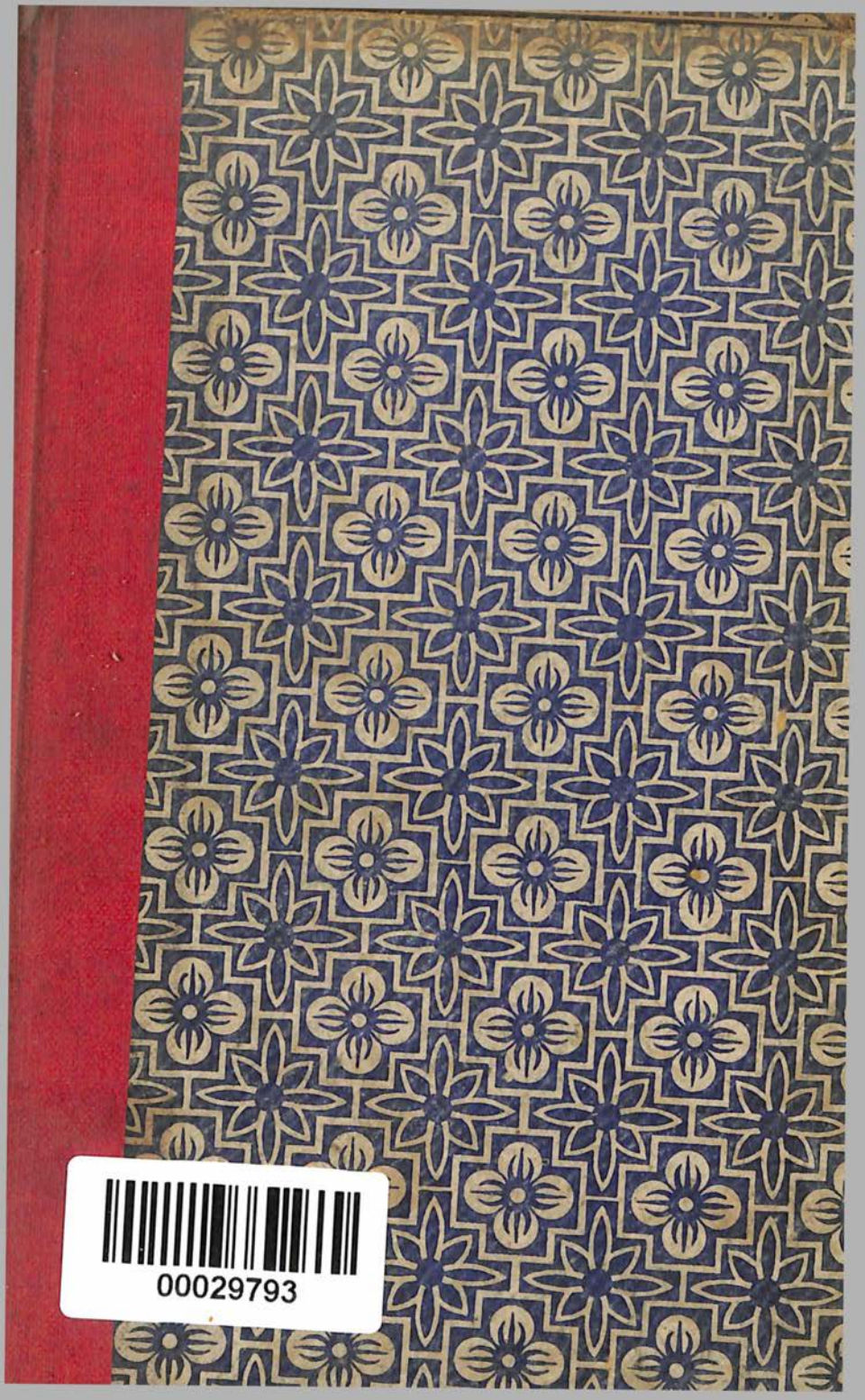
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THE

JUDGES OF ENGLAND.

HENRY VII.

Reigned 23 years, 7 months, and 30 days; from August 22, 1485, to April 21, 1509.

SURVEY OF THE REIGN.

THE "Union of the Roses," as it is called, by the accession of Henry VII., was the fourth interruption of the regal line within a period of eighty-six years. Although none of these changes had been unaccompanied by civil commotion, yet in every instance the seat of justice had been left undisturbed. As it cannot be supposed that the judges were entirely indifferent spectators of the stirring events of the times, nor that all preserved their opinions in silence, the non-removal of any of them on the success of the royal aspirant speaks strongly of the respect which was paid by the people to the law, and the reverential estimation with which they were generally regarded. It must have been something like a fear of outraging this feeling, united with a politic desire to avoid any semblance of disturbing the integrity of the government, that produced the curious effect, on this as on former occasions, of a re-appointment of every judge to the place he held in the preceding reign. The arena in which the judges acted seems to have been looked upon as neutral ground, and their opinions to have been received as the

awards of indifferent arbitrators, whose decisions on constitutional points were conclusive and beyond the possibility of doubt or suspicion.

Two of the earliest questions which they were called upon to answer after the victory at Bosworth were, first, whether it was necessary that the act of attainder, which had been passed against King Henry while Earl of Richmond, in the last reign, should be repealed; and, secondly, whether the proposed act of settlement would have the effect "of resuming all the franchises and liberties of all manner of persons." To the first they answered that the crown had cleared away all corruption of blood; and to the latter they replied in the negative, thus quieting the apprehensions of both parties, and depriving the persons interested of the motive that would be most likely to operate in preventing a peaceful recognition of the new dynasty.[1] The loyalty of the adherents to the crown, whether worn by the present or any future possessor, was protected against the consequences of another revolution by a subsequent statute of the reign, which enacted that no person that should attend and do service to *the king for the time being* in his wars within this land or without should for that cause be afterwards convicted or attainted of high treason.[2]

The difficulty of enforcing the execution of the laws where great men were concerned, occasioned the introduction of a new court of judicature, which was apparently well adapted to correct the evils of the time, but which, by the abuse of its constitution, eventually became an instrument of tyranny and oppression. Associations had been formed which bound those who joined them to assist their chiefs and each other in all their private quarrels. By this species of maintenance crimes were committed with impunity,

[1] Year Book, 1 Hen. VII., fo. 4. b. fo. 13. [2] St. 11 Hen. VII., c. 1.

the guilty evaded the laws, and juries were tampered with and intimidated. Liveries continued to be given notwithstanding the prohibitions which then existed, and retainers of the nobility were multiplied to a dangerous extent. Henry, who saw the political danger of this practice, and who, notwithstanding all his faults, was sincerely desirous of securing the due administration of justice to his people, very early in his reign determined to put an end to so obnoxious a system; and the remedy he devised was the institution of the court above referred to, in substitution of, or perhaps in addition to, the ordinary practice of examining such offences before the Council.

It consisted of the chancellor, the treasurer, and the keeper of the Privy Seal, one bishop, one temporal peer, and the two chief justices, or two justices in their absence; and they were authorised to call before them all persons who were charged with "unlawful maintenance, giving of liveries, signs, and tokens, and retainers by indenture, promises, oaths, writing, or otherwise, embraceries of the king's subjects, untrue demeaning of sheriffs in making of panels and other untrue returns, taking of money by juries, great riots and unlawful assemblies;" and they were to examine the truth, and punish the guilty, "after the form and effect of statutes thereof made," as if they were convicted "after the due order of the law." The meetings of this court were held in a room in the Palace at Westminster, called, from the ornaments with which its ceiling was decorated, the Star Chamber, a name which thence became attached to the court itself.[1]

Although the design of this court was repugnant to the spirit of a free constitution, by the trials taking place before it without the intervention of a jury, yet, limited to the

[1] St. 3. Hen. VII., c. 1.

offences mentioned in the statute, and conducted in an equitable spirit, it might have formed an useful auxiliary to the other courts. But the power given to it by the statute was gradually extended by its judges, new offences were illegally made amenable to its censures, arbitrary judgments were pronounced, and severe and infamous punishments awarded at the discretion of the court, which were far beyond the "due order of the law." After exercising its usurped powers in oppression of the people for about a century and a half, the abhorrence it excited could no longer be resisted, and it was abolished in 1641.[1]

By another statute of this reign (11 Henry VII. c. 12.) poor persons, who were unable to sue for the redress of their injuries, were to have their writs without payment, and the Chancellor was directed to assign "lerned Councell and Attorneyes" for them, who were to do their duty without any reward. This was not the only Act passed for the benefit of suitors. By chapter 15. in the same year, reciting the extortion of sheriffs and under-sheriffs in various counties by false plaints, a summary remedy was given against the offenders, and the proceedings in their courts were put under a better regulation. The 21st chapter of the same Parliament, after alleging that "perjury is much and customably used within the City of London" by jurors upon issues joined between party and party, enacted a punishment for such corruption when discovered, and fixed their future qualification and the penalty on the person that bribed them. And the 24th chapter proves the prevalence of this practice in other places, by a similar enactment which recites that "perjury in this land is in manifold causes by unreasonable means detestably used."

The custody of the Great Seal during this reign was com-

[1] St. 16 Car. I., c. 10.

mitted solely to ecclesiastics, two of them as chancellors, one as keeper, and one as keeper and chancellor successively.

Lord Chancellors and Keepers.

John Alcock, Bishop of Worcester, filled the high office of Lord Chancellor for the first six months of Henry's reign; for though there is no record of his appointment, he is introduced with that title into the order for the coronation on October 30, 1485.[1]

John Morton, Bishop of Ely, became chancellor on March 6, 1486.[2] Elevated to the Archbishoprick of Canterbury within a few months, he retained the Great Seal till his death on September 13, 1500, a period of more than four years. The king then kept it in his own hands for a month, when he delivered it to

Henry Dene, Bishop of Salisbury, and soon afterwards Archbishop of Canterbury, on October 13, as keeper[3]; who after holding it about a year and nine months, resigned it on July 20, 1502.

William Warham, Bishop elect of London, was constituted keeper on August 11; but on January 21, 1504, this title was changed for that of chancellor by a new delivery of the Seal, the Bishop being then elect of Canterbury.[4] He remained in office till the king's death on April 21, 1509.

In the first year of this reign, the term "Lord High Chancellor" was first introduced, if we may so translate the "Cancellarius Magnus," by which Bishop Alcock is designated

[1] Rutland Papers (Camden Soc.), 10.

[2] Claus. 1 Hen. VII., n. 94. The "John, Bishop of Ely," in this record, has, by Dugdale and all subsequent writers, been mistaken for Alcock, who, however, was not made Bishop of Ely till the following December, on Morton's translation to Canterbury.

[3] Claus. 16 Hen. VII., ind. [4] Ibid. 17 Hen VII., n. 47.

in opening the parliament.[1] In one of the bills addressed to Lord Audley in the next reign, he is styled "highe Chancellor of England."

MASTERS OF THE ROLLS.

During the twenty-three years of Henry's reign, there were no less than eight occupants of the office of master of the Rolls, all of whom were of the clerical profession. Of these none appear, as in previous reigns, to have been selected from the masters in Chancery, and five were advanced to the episcopal bench; a plain proof that the position had greatly increased in importance.

ROBERT MORTON, who had been removed by Richard III., was restored on the accession of Henry VII. He was consecrated Bishop of Worcester in February, 1487, having on the 13th of November, 1485, obtained the appointment of

WILLIAM ELIOT, as his coadjutor in the office.[2] It appears, however, although Eliot's patent was for life, that he did not retain the place after Morton's elevation to the prelacy; for the patent of

DAVID WILLIAM is dated February 22, 1487[3], although Dugdale does not introduce him till November 26 in that year. He held the office about five years, dying apparently in possession.

JOHN BLYTH succeeded him on May 5, 1492. Being preferred to the Bishoprick of Salisbury,

WILLIAM WARHAM was put in his place on February 13,

[1] Rot. Parl. vi. 267. [2] Pat. 1 Hen. VII., p. 4. m. 3.

[3] I owe this information to my excellent friend Joseph Hunter, Esq.; and I feel bound to acknowledge the ready assistance which I have invariably received, not only in his, but in the other departments of the Record Office, whenever my distance from London has rendered it impossible for me to refer to the documents themselves.

1494, and, in like manner, after holding it for eight years, resigned on being made Bishop of London. His successor was

WILLIAM BARONS, whose patent was dated February 1, 1502. Nearly three years afterwards he also vacated his place for the Bishoprick of London; and

CHRISTOPHER BAINBRIDGE received it on November 13, 1504. He was the fifth master who was raised to a bishoprick, that of Durham being given to him on his retirement.

JOHN YONGE next followed, his appointment being dated on January 22nd, 1508, nine months before the death of the king.

By the statute 11 Henry VII. c. 25, "Agaynst perjury, unlawfull mayntenaunce and corruption in officers," the "clerke of the Rolles," as well as the chancellor and the two chief justices, is named as having jurisdiction to examine and punish all offenders.

MASTERS IN CHANCERY.

Of the masters in Chancery who acted under Richard III. the following occur in this reign.

Robert Morton, M. R.	1 to 3 Henry VII.	
William Morland	1 to 11	—
William Bolton	1	—
John Gunthorp	1 to 12	—
John Brown	1 to 11	—
William Kelet	1 to 7	—
Thomas Barowe	1 to 12	—
Richard Skipton	1 to 12	—
Robert Blackwall	1 to 19	—

The new Masters mentioned are —

William Eliot, M. R. 1—2 Hen. VII.	1 to 11	—
John Morgan	1 to 11	—

David William, M. R.	2 to 7	Henry VII.
Edward Chaderton	7	—
John Blyth, M. R.	7 to 9	—
John Jamys	7 to 12	—
William Warham, M. R.	9 to 17	—
Edmund Martyn	11	—
Richard Hatton	12 to 19	—
William Barons, M. R.	17 to 20	—
Geoffrey Simeon	19	—
Richard Maihewe	19	—
James Hubert	19	—
Christopher Bainbridge, M. R.	20 to 23	—
John Yonge, M. R.	23	—

CHIEF JUSTICES OF THE KING'S BENCH.

WILLIAM HUSE, OR HUSEE, who had held the office of chief justice of the King's Bench under the three last kings was continued in his place by Henry VII., and retained it for above twelve years longer, when

JOHN FINEUX was promoted from the Common Pleas to the head of this court on November 24, 1495, and presided in it till the end of the reign.

JUDGES OF THE KING'S BENCH.

No change was made on the accession of Henry VII. in the puisne judges of the Court of King's Bench.

I. 1485. August. Guy Fairfax, John Sulyard, } receiving new patents.
III. 1488. July 16. Thomas Tremayle, vice J. Sulyard.
XI. 1495. Nov. 24. Robert Read, vice G. Fairfax.
XXII. 1507. April 28. Robert Brudenell, vice R. Read.

There were only three judges in this court throughout the reign, until the death of T. Tremayle, whose place does not seem to have been supplied. Thus at the end of it there were only two, viz.,

Sir John Fineux, Chief Justice,
Robert Brudenell.

Chief Justices of the Common Pleas.

Thomas Bryan, who had been chief justice of the Common Pleas since Edward IV., was retained in his place, and kept it till his death.

Thomas Wood, a judge of the same court, succeeded him on October 20, 1500, 16 Henry VII., but only sat about two years. At his decease

Thomas Frowyk, serjeant-at-law, was promoted to the place on September 30, 1502; and four years afterwards

Robert Read, a judge of the King's Bench, was made chief justice in October, 1506, and held the office at the king's death.

In the accounts of Sir Edmund Dudley, preserved among the Harleian MSS., there is proof that, among many offices which were procured by bribery, even the judicial seat was not exempt from the degrading imputation. This Robert Rede paid to the insatiable monarch, "for the king's favor to him, in the office of chief justice of Common Pleas, 4000 marks."[1]

Judges of the Common Pleas.

The judges of this court were all reappointed by Henry VII., viz.:

I. 1485.	August.	Richard Neele.
		John Catesby.
		Humphrey Starkey, Chief Baron of the Exchequer.[2]
		Roger Townshend.
II. 1487.	Jan. 31.	William Calowe, vice R. Neele.
		John Haugh, vice J. Catesby.

[1] Turner's England, vol. iv. p. 158.

[2] The name of Humphrey Starkey should have been added to the Judges of the Common Pleas in the reign of Richard III. My reasons for placing him there are stated in the sketch of his life.

III.	1488.	Feb. 5.	William Danvers, vice W. Calowe.
V.	1490.	Aug. 14.	John Vavasour, vice J. Haugh.
IX.	1494.	Feb. 11.	John Fineux.
XI.	1495.	Nov. 24.	Thomas Wood, vice J. Fineux.
XVII.	1501.	Nov. 3.	John Fisher vice T. Wood.
XVIII.	1503.	July 2.	John Kingsmill, vice R. Townshend.
XXIII.	1508.	April 26.	John Boteler, vice J. Vavasour.

The number of judges of the Common Pleas under Henry VII. varied between four and five. But at the king's death there were only three, viz.,

Robert Read, chief justice,

John Fisher, John Boteler.

As John Kingsmill apparently died just before the termination of the reign, the last fine being levied before him in the previous February, and his name does not appear under Henry VIII.

Chief Barons of the Exchequer.

Sir Humphrey Starkey, with the other judges of the last reign, received a new patent from Henry VII., both as chief baron of the Exchequer and justice of the Common Pleas. He enjoyed these offices for little more than a year; and on his death

William Hody was placed at the head of this court on October 29, 1486; but he does not appear to have been made a judge of the Common Pleas. He presided during the remainder of the reign.

Barons of the Exchequer.

The three puisne barons of the Exchequer at the death of Richard III., had their patents renewed by King Henry.

I.	1485.	Aug.	Bryan Roucliffe, as second baron. Edward Goldsburgh, as third baron. John Holgrave, as fourth baron.
III.	1487.	Nov.	Nicholas Lathell, vice Holgrave.

IV.	1488.	Dec. 5.	Edward Goldsburgh, second baron, vice B. Roucliffe.
			Nicholas Lathell, third baron, vice E. Goldsburgh.
			Thomas Roche, fourth baron, vice N. Lathell.
X.	1494.	Oct. 1.	Thomas Barnewell, second baron, vice E. Goldsburgh.
XI.	1496.	May 2.	Andrew Dymock, second baron, vice T. Barnewell.
XVI.	1501.	May 12.	Bartholomew Westby, second baron, vice A. Dymock.
XVII.		Oct. 11.	William Bolling, third baron, vice N. Lathell.
XIX.	1504.	Feb. 18.	John Alleyn, fourth baron, vice T. Roche.

The number of four barons of the Exchequer was preserved throughout the reign; and at the end of it they were

* William Hody, chief baron,
Bartholomew Westby, William Bolling,
John Alleyn.

A marked difference continued between the position of the judges and the puisne barons of the Exchequer. Not one of the names of the latter appear in the Year Books; and the only one who can be traced as an advocate is Andrew Dymock. He had been Solicitor-General; but his duties were probably confined to revenue cases. One of them, Nicholas Lathell, had been clerk of the Pipe; and there is little doubt that most of them were raised from the offices of the Court. Bartholomew Westby and William Bolling were members of the Middle Temple after they were barons, which is a plain proof that their seat on the Exchequer Bench might be held without their being serjeants, since, had they taken that degree, they would have been members of Serjeants' Inn.

TABLE OF CHANCELLORS AND KEEPERS OF THE SEAL, AND OF MASTERS OF THE ROLLS.

A. R.	A. D.	Lord Chancellors and Keepers.	Masters of the Rolls.
1	1485, Aug. 22	John Alcock, Bishop of Worcester	Robert Morton, afterwards Bishop of Worcester.
	Nov. 13	—	Robert Morton and William Eliot.
	1486, March 6	John Morton, Bishop of Ely, afterwards Archbishop of Canterbury	—
2	1487, Feb. 22	—	David William.
7	1492, May 5	—	John Blyth, afterwards Bishop of Salisbury.
9	1494, Feb. 13	—	William Warham, afterwards Archbishop of Canterbury.
16	1500, Sept. 13	Died	—
	Oct. 13	Henry Dene, Bishop of Salisbury, afterwards Archbishop of Canterbury, *Keeper*	—
17	1502, Feb. 1	—	William Barons, afterwards Bishop of London.
19	Aug. 11	William Warham, Bishop of London, *Keeper*	—
20	1504, Jan. 21	—— *Lord Chancellor*; being then Elect of Canterbury	—
	Nov. 13	—	Christopher Bainbridge, afterwards Archbishop of York.
23	1508, Jan. 22	—	John Yonge, Dean of York.
		The king died April 21, 1509.	

TABLE OF THE CHIEF JUSTICES AND JUDGES OF THE KING'S BENCH.

A. R.	A. D.	Chief Justices.	Judges of the King's Bench.	
1	1485, Aug.	William Huse	Guy Fairfax	John Sulyard.
3	1488, July 16	—	—	Thos. Tremayle.
11	1495, Nov. 24	John Fineux	Robert Read	—
22	1507, April 28	—	Robert Brudenell	

Table of the Chief Justices and Judges of the Common Pleas.

A. R.	A. D.	Chief Justices.	Judges of the Common Pleas.			
1	1485, Aug.	Thomas Bryan	Richard Neele	John Catesby	Humphrey Starkey, Ch. B. E.	Roger Townshend.
2	1487, Jan. 31	—	William Calowe	John Haugh	—	—
3	1488, Feb. 5	—	William Danvers	—	—	—
5	1490, Aug. 14	—	—	John Vavasour	—	—
9	1494, Feb. 11	—	—	—	John Fineux	—
11	1495, Nov. 24	—	—	—	Thomas Wood	—
16	1500, Oct. 28	Thomas Wood	—	—	—	—
17	1501, Nov. 3	—	—	—	John Fisher	—
18	1502, Sept. 30	Thomas Frowyk	—	—	—	—
	1503, July 2	—	—	—	—	John Kingsmill.
22	1506	Robert Read	—	—	—	—
23	1508, April 26	—	—	John Boteler	—	—

Table of the Chief Barons and Barons of the Exchequer.

A.R.	A. D.	Chief Barons.	Barons of the Exchequer.		
1	1485, Aug.	Humphrey Starkey	Bryan Roucliffe	Edward Goldsburgh	John Holgrave.
2	1486, Oct. 29	William Hody	—	—	—
3	1487, Nov.	—	—	—	Nicholas Lathell.
4	1488, Dec. 5	—	Edward Goldsburgh	Nicholas Lathell	Thomas Roche.
10	1494, Oct. 1	—	Thomas Barnewell	—	—
11	1496, May 2	—	Andrew Dymock	—	—
16	1501, May 12	—	Bartholomew Westby	—	—
17	Oct. 11	—	—	William Bolling	—
19	1504, Feb. 18	—	—	—	John Alleyn.

The courts did not sit for more hours in the day during this reign than when Fortescue wrote. In the Year Book of 1486, it is reported that the judges rose, "because it was past eleven o'clock."[1]

Westminster Hall was appropriated to other uses than the administration of justice. On the night of the Epiphany, entertainments, which are noticed under the name of "the disguisyngs," were exhibited there to the people. In the ninth year of the reign, an entry occurs of the payment of 28*l.* 3*s.* 5¾*d.*, to Richard Daland "for providing certain spectacles or theatres, commonly called Scaffolds," for their performance.[2] There were also certain places under its roof which were designated by the ominous titles of "Paradyse," "Hell," and "Purgatory," the custody of which was evidently a source of profit, since there are several grants of it in the Records to "Squires of the King's body," and others.[3] The same documents give the names also of the "Potans House" under the Exchequer, and the tower and house called "le Grene Lates," which were occupied by John Catesby before he was a judge.

ATTORNEY-GENERAL.

I. 1485. Sept. 20. William Hody[4] was made attorney-general immediately after the king's accession; and was promoted the next year to the head of the Court of Exchequer.

II. 1486. Nov. 3. James Hubbard, or Hobart.[4] Though he died in 1507[5], no other is named.

SOLICITOR-GENERAL.

I. 1485. Nov. 15. Andrew Dymock[4], who was made a baron of the Exchequer in the eleventh year. How

[1] Y. B. 2 Hen. VII. fo. 4. b.
[2] Devon's Issue Roll, 516.
[3] Rymer, xii. 275., xiii., 34.; Rot. Parl. vi. 372.
[4] Dugdale's Chron. Series.
[5] Blomefield's Norwich, ii. 28.

soon another was appointed does not appear; but in

XIX. 1503. Thomas Lucas held the place [1]; and in

XXII. 1507. July 9. John Ernley [2] succeeded him.

Serjéants at Law.

No great call of serjeants is recorded during the reign of Richard III.; but in that of Henry VII. there were three, besides several separate appointments.

In the following list, the Inns of Court, where known, are distinguished by initials, and those who became judges are marked with a *.

I. 1485. * Thomas Wood, * William Danvers (?L),
* Robert Read (L), Thomas Keeble,
* John Haws (L), Richard Jay,
* John Fineux, * William Hody,

IX. 1494.[3] * Humphrey Coningsby (I), Richard Higham (L),
* John Boteler (L), * John Kingsmill (M),
Thomas Keeble, John Yaxley (G),
Thomas Oxonbridge (G), John Mordaunt (M),
* Thomas Frowyk (I), Robert Constable (L),

XVIII. 1502. William Cutler,

XIX. 1503. —— Brooke, John Cutler,
* Robert Brudenell [4], Richard Eliot (M),
William Grevill, * Lewis Pollard (M),
Thomas Marrow, Guy Palmer (M),
George Edgore, * William Fairfax (G),
* John More (L), Thomas Piggot,

XX. 1504. —— Griffin is mentioned in Keilwey,

XXI. 1505. —— Newport.

[1] Rot. Parl. vi. 536. [2] Dugdale's Chron. Series.

[3] Dugdale makes this call in 11 Hen. VII.; but the Year Books fix it in Trinity, 9 Hen. VII., fo. 23., and the feast is recorded by Holinshed in the following November.

[4] Robert Brudenell and the nine following have the date Michaelmas, 20 Hen. VII., in Dugdale's Chron. Series; but in his Origines, p. 113. their feast, extracted from the Middle Temple Books, is given in Michaelmas, 19 Hen. VII., and is so recorded in Holinshed.

KING'S SERJEANTS.

I. 1485.	John Huddersfield,	* John Fisher,
III. 1487.	* Thomas Wood,	
IX. 1493.	* Robert Read (L),	
XI. 1495.	John Mordaunt (M),	
XII. 1496.	* John Kingsmill (M),	
XIV. 1498.	Richard Higham (L),	Thomas Keeble,
XVI. 1500.	* Humphrey Coningsby (D),	
XX. 1504.	* Robert Brudenell,	
XXII. 1506.	* Lewis Pollard (M),	* Richard Eliot (M).

In this reign the earliest notice occurs of the use of mottos on the rings given by the serjeants. David Lloyd states that the device on the ring of Sir John Fineux, when created in the call of 1485, was "Suæ quisque fortunæ faber;"[1] and one of these rings, with the motto on it, is now in the possession of a noble descendant of that judge.[2]

No further details are preserved of this first call, nor is the place of their feast mentioned; but of the last two calls there are several interesting particulars. The feasts, given by the serjeants in the tenth year at Ely House, and in the nineteenth year at Lambeth Palace, were honoured with the presence of the king, accompanied by the lords of his court.[3] The queen also dined on the first occasion, but was dead when the last occurred. Lambeth Palace was probably then inhabited by the Lord Keeper Warham, who had been elected to succeed Henry Dene as Archbishop of Canterbury, but had not yet been confirmed. The books of the Middle Temple, to which society three of the last-called serjeants belonged, contain the earliest extant account of the proceedings taken on these occasions.[4] At a previous parliament held by the benchers, on November 9, 1503, they elected the

[1] Lloyd's State Worthies, 82.
[2] Notes and Queries, 1st s., vii. 188.
[3] Dugdale's Orig. 127.
[4] Ibid. 113.

officers for the feast, and voted a sum of twenty marks among the three "pro regardo." This appears to have been even then an old custom, by the accompanying words "prout solutum fuit."

On the previous Friday (the ceremony taking place on the Monday before the feast of St. Martin) all the members of the House met in the hall "circa le Cubbard," and four of the ancients were sent to bring the serjeants elect, when Westby, the second, and Bolling, the third baron of the Exchequer, and Master Emson, and many of the seniors, being present, Westby addressed them in laudatory terms, recommending them to hold the society in their favour. The Treasurer then delivered them the twenty marks in gold and silver "in nova cyroteca," whereupon the new serjeants expressed their gratitude not only for the money, but for the benefits they had received in their legal instruction, and those wholesome regulations which had restrained them in their youth, and led them to study. They then all drank together, and proceeded in the barge to Lambeth, where the new serjeants were left.

On the next day, such of the fellows of the four inns as were invited dined with them.

And on the Sunday all the judges went to the chapel at Lambeth, where the new serjeants, kneeling before them, made their declarations from writs delivered to them by the two prothonotaries, for which the chief justice thanked them, and, after holding up their predecessors as examples to be followed, placed coifs on their heads, and tied them under their chins, and put on their scarlet robes, placing the cape over their shoulders in the manner of doctors. Thus were they publicly created serjeants at law.

On Monday, the new serjeants went to Westminster Hall, preceded by a serjeant at arms with a mace, and the warden of the Fleet with his staff, and standing on the

southern side opposite to the court of Common Bench, two of the old serjeants came and brought the senior of the new serjeants between them to the bar of the court, before the chancellor and treasurer of England and all the judges: he made his declaration, and one of the old serjeants made his defence; and the prothonotary read the writ. And the same form was pursued with each of the new serjeants in turn. The proceedings then terminated with the dinner, at which the king and all his household "jantaverunt cum illis."

An expressive memorandum is added to the record, that no ordinance was made either in the inns of Court or of Chancery, because "omnes jantaverunt" with the serjeants, and many more, to the number of one thousand.

Serjeants were exempted from the operation of the statute 11 Henry VII. c. 18., which enacted that all persons holding offices from the king, who did not attend him in his wars, should forfeit the same.

The notorious Edmund Dudley was summoned on the last call, but had a writ exonerating him; on the ground, it has been suggested, that, being then speaker of the House of Commons, he was exempt. He more probably owed his release from the expensive honour to the personal favour of the king.

Cases in the Exchequer Chamber were argued not only before the judges, but before the serjeants also, the absence of any of the latter being recorded.[1]

The house which the serjeants occupied during every year of this reign cannot be distinctly traced; but there is no difficulty in following them through most part of it.

SCROPE'S INN, IN HOLBORN, has been already shown to have been their residence in the second year of the reign of Richard III.[2] It certainly continued so during the first nine

[1] Y. B. 6 Hen. VII., fo. 15.

[2] See Vol. IV. p. 402.

years of that of Henry VII., for by a deed dated February 8, 1494, Sir Guy Fairfax, one of the judges of the King's Bench, being then seised of the property, assigned it, by the description of "one messuage or tenement, called Serjeants' Inn, situate opposite the Church of St. Andrew's, Holborn, with two gardens and two cottages adjoining thereto," to John Lord Scrope of Bolton, the son of the former proprietor, his heirs and assigns for ever.[1]

It is possible that the serjeants remained there for above two years more, notwithstanding this deed, as they are not named in any other inn till November, 1496, from which date they were again settled in

SERJEANTS' INN, CHANCERY LANE. This house, it will be remembered, had been leased to Sir Thomas Grey in 1476; and he is described as its tenant as late as 1490. It was then called Grey's Place; and it is mentioned as untenanted in 1492. By a lease dated November 14, 1496, the Bishop of Ely demised it under that name to John Mordaunt and five other serjeants.[2] The term was for sixty years from Michaelmas, 1495, but in 1508, 23 Henry VII., by a new lease then granted to John Mordaunt and Humphrey Coningsby, serjeants at law, it appears that the house resumed its former appellation, being described as "Hospicium in Chancelor's Lane, vocatum Serjeant's Inne." The rent reserved in both these leases was 4*l.* per annum, keeping all repairs; but the term of the last lease is not mentioned.[3]

SERJEANTS' INN, FLEET STREET, was tenanted at this time by John Wykes Esq., under the lease for eighty years dated in 1474[4]; and there is nothing whatever from which it can be inferred that the serjeants were connected with the house during this reign.

[1] Dugdale's Orig. 333.
[2] Dugdale's Orig. 333.
[3] Serviens ad Legem, 182.
[4] See Vol. IV. p. 400.

COUNSEL.

The initials in the following list, which is extracted from the Reports and other authorities, show the courts to which those who became judges were first appointed.

J. Aleyn, B. E.,
— Altost,
— Arderne,
W. Ayloff,
T. Babington,
— Bertelet,
J. Botcler, C. P.,
J. Bowring,
— Brewood,
G. Bromley,
J. Brooke,
— Browne,
R. Brudenell, K. B.,
W. Calow, Colow, C.P.,
F. Calybut,
J. Caril, Karil,
H. Coningsby, K. B.,
R. Constable,
W. Cuttelerd,
J. Cutler, Cotiller,
W. Cutler,
W. Danvers, C. P.,
R. Drury,
E. Dudley,
A. Dymock, Sol. Gen.,
G. Edgarre,
R. Elliot, C. P.,
R. Empson,
J. Erneley, Ch. C. P.,
R. Evington,
W. Fairfax, C. P.,
J. Fineux, C. P.,
J. Fisher, C. P.,
J. Fitz-James, K. B.,
T. Fitz-William, Recorder,
W. Frost,
T. Frowyk, Ch. C. P.,
— Gier,
— Glanvill,
W. Grevill, C. P.,
— Griffin,
T. Gygges,
— Halewel,
— Hankford,
J. Haws, C. P.,
R. Higham,
— Hill,
W. Hody, Ch. B. E.,
J. Hubbard, Att. Gen.,
J. Huddersfield,
— Hutton,
R. Jay,
T. Jubbes,
— Junor,
T. Keble,
M. Kidwelly,
J. Kingsmill, C. P.,
R. Leigh,
T. Lucas, Sol.-Gen.,
R. Lyttelton,
R. Marland,
T. Marrow,
R. Martyn,
J. More, C. P.,
J. Moreland,
J. Nethersale,
J. Newdigate,
J. Newport,
— Newton,
G. Nichols,
T. Oxenbridge,
B. Palmys,
G. Palmys,
T. Pigot,
— Pinkeney,
L. Pollard, C. P.,
J. Port, K. B.,
R. Read, K. B.,
E. Redmayn,
— Rolfe,
J. Roper,
W. Ruddall,
— Salle,
— Sandes,
— Scotte,
— Sedgewyke,
J. Skewys,
J. Skilling,
J. Strange,
W. Stubbe,
F. Suliard,
R. Sutton,
H. Sygyswyk,
J. Thornborowe,
J. Tremayle, K. B.,
J. Turpin,
J. Vavasour, C. P.,
J. Vavasour,
H. Wadham,
— Wilkes,
W. Wilmer,
J. Wood,
T. Wood, C. P.,
W. Wotton, B. E.,
J. Yaxley.

The fees paid at this time were apparently not very large. Three counsel in Serjeants' Inn received 3*s.* 4*d.* each from the mayor and aldermen of Canterbury, in 1500, for advice on the affairs of that city; and the same body paid Master Recorder of London (Thomas Fitz-William) a retainer of 6*s.* 8*d.* In 1505, the fee paid by the Goldsmiths' Company to Mr. Serjeant Wood was 10*s.* Charges for the entertainment of counsel at Westminster were also frequently made. The following items occur in a bill of costs in the reign of Edward IV.

	s.	*d.*
For a breakfast at Westminster spent on our counsel - -	1	6
To another time for boat-hire in and out, and a breakfast for two days - - - - - - - - -	1	6

with several others of a similar description.[1]

Where counsel were retained to go to the assizes, the cumbrous process of a deed between the parties was adopted. As a curious example of an obsolete practice, the following copy of Mr. Serjeant Yaxley's retainer, from the Plumpton Correspondence, p. 152, will be interesting.

"This bill indented at London the 16 day of July, the 16 yeare of the reigne of King Henry the 7th, witnesseth that John Yaxley, sergent at the law, shall be at the next assises to be holden at York, Nottin. and Derb. if they be holden and kept, and their to be of council with Sir Robert Plompton, knight, such assises and actions as the said Sir Robert shall require the said John Yaxley, for the which premisses, as well for his costs and his labour, John Pulan, Gentleman, bindeth him by thease presents to content and pay to the said John Yaxley 40 marcks sterling, at the feast of the Nativetie of our Lady next coming, or within eight days next folowing, with 5 li. paid aforehand, parcell of paiment of the said 40 marcks."

[1] Gent. Mag. July 1853, p. 39.

Provided alway that if the said John Yaxley have knowledg and warning only to cum to Nott. and Derby, then the said John Yaxley is agread by these presents to take onely xv^{li} besides the 5^{li} aforesaid. Provided alwaies that if the said John Yaxley have knowledg and warning to take no labor in this matter, then he to reteine and hold the said 5^{li} resaived for his good will and labor. In witnesse herof the said John Yaxley, seriant, to the part of this indenture remaining with the said John Pulan have put his seale the day and yeare above written. Provided also that the said Sir Robert Plompton shall beare the charges of the said John Yaxley, as well at York as Nottingham and Derby, and also to content and pay the said money to the sayd John Yaxley comed to the said assises att Nott. Derb. and York.

"JOHN YAXLEY."

The evidence taken by the commissioners appointed to inquire into the inns of Court and Chancery, which has been lately printed[1], does not afford any information that was not before known relative to the original institution of those bodies, or to the different constitutions by which they were anciently regulated. Neither does it offer any explanation of the course by which the inns of Chancery came to be perverted from their original institution, as elementary schools for the "first principles of the law," or of the time when they fell, by the total neglect of this introductory study, into the hands of the lower branch of the profession. A slight history of each inn of court is given by its treasurer, and it would not be reasonable to expect that he, being but a temporary officer, annually changed, would be able to devote his valuable time, occupied in professional pursuits, in exploring its historical annals further than would be requisite for the

[1] Report of the Commissioners, dated August 10, 1855.

performance of his actual duties. No correction, therefore, of the facts stated in the preceding volumes of this work is called for, nor any qualification of the hypotheses deduced from them required; and if, in some few instances, the witnesses draw different conclusions, it is no more than is to be expected on subjects involved in such obscurity. The account of the present state of the principal societies, and of the efforts now making by them to restore their ancient utility by promoting the study of law and jurisprudence, is most valuable, and will be noticed in its proper place.

LINCOLN'S INN.—In 1466 a general council of this society was, as before related, held in the chapel, showing that the hall which then existed was either too small, or in too dilapidated a state, to admit the assembly. This hall is stated in the Registry of the House (vol. i. p. 24. *b.*) to have been pulled down in 1491, 8 Henry VII. It was replaced by a new one, which was completed in 1506; and a library was erected two years afterwards. Besides these improvements, the Gate-house tower had been also commenced twelve months before.

During this time the premises were held under leases to the society from the Bishop of Chichester. The term or rent named in them does not appear; but one in this reign to Francis Suliard, a bencher, did not expire till the twenty-seventh year of Henry VIII. They were therefore for very long terms; and it was probably in contemplation of a new lease for ninety-nine years, which was obtained in that reign, that these extensive erections were undertaken.

The readings at the inn continued regularly, except in Lent 19, and autumn 21 and 23, Henry VII., when they did not take place on account of the pestilence.

When serjeants were called from this house, the present they received "pro regardo" was made up by contributions among the students. On the creation of John Boteler,

Richard Higham, and Robert Constable, in 1494, each member of the inn gave 3*s.* 4*d.*; and the whole sum, amounting to 21*l.* 13*s.* 4*d.*, being divided into three parts and put into gloves, was thus presented to them. As this amount would only make 130 subscribers, it must have been collected from a particular class only.[1]

THE TEMPLE. — No light is thrown on the original division of the two Temples by the recent report on the inns of Court, nor by the evidence published with it. The witness who enters most into the history, quoting from what he calls "an old manuscript," says, "the professors and students of the law resided in the Temple, who in tract of time converted and regulated the same, first into one inn of Court, and afterwards, in the reign of Henry the Sixth, divided themselves into the two societies or inns of Court." The witness, however, gives no intimation of the date, nor even a guess at the writer of this manuscript, nor any reason why the slightest reliance should be placed on its assertions. The writer has evidently formed a fanciful hypothesis out of the obscurity he found, and would have been puzzled to bring forward his proofs that the Temple was ever converted into "one inn of Court," or to produce the rules that "regulated the same," or even, though that might be less difficult, that it was first divided "in the reign of Henry VI." into two inns of Court.

The loss of the early "muniments, documents, and deeds" of the society is accounted for by the witness by stating that they were made a bonfire of in Jack Straw's rebellion, when great part of the Temple was burnt. But that rebellion occurred in 1381. How came it then, allowing even that the lawyers had at that time entire possession of the Temple, and that the prior or knights of St. John of Jerusalem had no

[1] Dugdale's Orig. 137. 231. 250.

residence there (which is at all events a questionable point), that no muniments of either of the Temples have been found, relating to the interval between 1381 and 1500? From such account as exists, it does not seem likely that any muniment connected with the title of either of the Temple inns of Court could have been lost in the rebellion of 1381, unless it were the lease from the prior to the lawyers; and the circumstance that there was a rent of 10*l.* paid to him from each society up to the time of the dissolution of the order by Henry VIII. would tend to show, what is very probable, that they were originally two separate bodies of lawyers who took up their residence there, one on the east, and the other on the west of the premises, and that they at once gave the designation of the Inner and Middle Temple to the parts they respectively occupied.

The first reliable mention of the Temple as an inn of Court (for the stories about Gower and Chaucer are more than doubtful) is in a letter from Robert Repps to John Paston, the son of the judge, dated in 1440, where he desires his correspondent to "resort again unto his college, the Inner Temple." Another letter from his mother is addressed to him "in the inner inn of the Temple."[1] Neither of these bear any appearance of a recent division of the societies; and the last bears the mark rather of a separate society situate in one locality, than of one society divided into two bodies. Fortescue, who wrote between 1461 and 1470, plainly includes them as two societies in the four inns of Court he speaks of, and makes no allusion to a previous junction of the two.

After stating that, "when they became two societies, there was a new hall built," the witness asserts "there was no exact division of the property at that time, nor do I believe that there was until the year 1732."[2] It does not distinctly appear whether he means that the Middle or the Inner

[1] Paston Letters, i. 3. 38.

[2] Report, p. 56.

Temple Hall was thus built when "they became two societies;" but in either case the statement is in opposition to his hypothesis. The new Middle Temple Hall was built in the reign of Queen Elizabeth, which could not be the time of division, as there is proof that the societies were divided (if ever joined) at least a century before. The Inner Temple Hall is of still greater antiquity, bearing marks that trace it back to the reign of Edward III., previous to which it is not pretended that any body of lawyers was resident in the Temple. Of the age of the old hall in the Middle Temple, which was pulled down after the erection of the present beautiful structure, there is no existing record on which even a surmise can be founded.

Taking the statement either way, it seems to lead to the conclusion that the societies were never united, but always as distinct as if they had been placed in different quarters of the town, like Lincoln's Inn and Gray's Inn; and every document that has come down to the present time tends to show that there always was an "exact division of *property*" between the two societies. How can the various magnificent blocks of buildings, which are recorded in the books of each society as being erected at the expense of each, in every reign from that of Henry VIII. to that of George II., be otherwise accounted for? Is it to be supposed that either society would have risked the large outlay which was thus occasioned upon property the title of which was the subject of dispute?

The Report, p. 210., copies a deed between the two societies dated in 1732; but this, so far from throwing a doubt on the fact, contributes strongly to confirm it. It is not a deed of partition of what was held jointly, but a deed declaratory of what each held separately. In the course of 300 years the precise limits of all contiguous properties will become in some degree questionable, and doubts of their actual boundaries will arise from encroachments made

and easements granted. This, it may be presumed, occurred to the two Temples, as it commonly happened to other proprietors. Each society had, in the course of the 300 years of their occupation, built up to their respective boundaries, some of the houses of one society abutting on the houses of the other; and no doubt each had left ways and passages for the accommodation of both. It was perfectly natural that what was in one generation taken by encroachment would in another be claimed as a right, and what was at first allowed only as a neighbourly convenience, would in a little time be considered as a grant, so that, as appears by the recital in the deed, "several disputes and differences had arisen between the said societies, touching the buildings and bounds, ways and passages, ground and soil, lights, easements, and other conveniences *belonging to and used by each society, separate and apart from the other society.*" In the deed itself the general property of the land is always spoken of as belonging to one Temple or the other, and the only parts in which any particularity appears are those defining their several rights where buildings are contiguous, or have outlets on the property of the other, and those determining the rights of soil in the several ways and passages. In fact, had not the lawyers of George II. felt a little perplexity with respect to a patent which their predecessors had somewhat improvidently obtained from James I., granting the two Temples to the benchers of both, not separately, but jointly, the deed of 1732 would in all probability never have existed.

Notwithstanding this authorized publication, the *vexatæ quæstiones*, whether the lawyers were originally established in the Temple in one or two societies, and, if in one, at what period they divided, remains as doubtful and undecided as before. May the researches of our present able investigators of the records discover some better clue to guide us to the truth!

THE MIDDLE TEMPLE.—The books of this society do not commence till this reign, the first treasurer named in them being John Brooke, in 16 Henry VII., 1500-1. Readers were not appointed till the following year, the earliest being John Vavasour [1], probably the son of the judge, and certainly not, as Dugdale calls him, the judge himself, who had then been on the bench for twelve years.

Members of the house might be excused from living in commons, on account of their wives being in town, or for other special reasons.[2]

If there is any foundation for the opinion expressed in a previous page [3] that the commencement of the records of Lincoln's Inn in the reign of Henry VI. shows the introduction of a new system of government there, the books of the Middle Temple will warrant the belief that a similar change was not adopted in that house till nearly eighty years had expired.

THE INNER TEMPLE still further delayed their co-operation, their lists of governors and treasurers not commencing till five years afterwards, in 21 Henry VII., 1505-6, nor that of readers till the following year.

There were sometimes three, and sometimes four, governors in each year up to 8 Elizabeth, beyond which the list does not extend.[4]

CLEMENT'S INN.—A new lease of Clement's Inn was granted in 1486, 2 Henry VII., by its proprietor Sir John Cantlowe, knight, to William and John Elyot. They were probably members of the legal body established there, as there is no notice of any interruption of their residence in this house. The term was for eighty years, the fine 40 marks, and the annual rent 4*l.* 6*s.* 8*d.*

NEW INN.—Whether the removal of the occupiers of

[1] Dugdale's Orig. 215. 221.
[2] Ibid. 113.
[3] See Vol. IV. p. 252.
[4] Dugdale's Orig. 163. 170. 172.

St. George's Inn to this house occurred in Edward IV.'s, or in this reign, it is certain that they were now fully in possession.

The Year Books extend over the whole of this reign except the 17th, 18th, and 19th, and the last three years. The terms are frequently mis-arranged, and that of Hilary, 12 Henry VII., is wrongly marked the 11th.

The reports of John Keilwey, published in 44 Eliz. by John Croke afterwards a judge of the King's Bench, contain cases not reported in the Year Books during the latter half of the reign commencing with the twelfth year. These reports extend to 21 Henry VIII., and are followed by several cases in different reigns, by Dalison and Bendloes.

The fourth century of Jenkins's Reports also contains many cases of this reign; and one case is to be found in Sir Francis Moore's Reports.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF HENRY VII.

ALCOCK, JOHN, Bishop of Rochester, Worcester, and Ely.

Lord Chancellor, 1485.

See under the Reign of Edward IV.

John Alcock, the earliest chancellor of Henry VII., is described by Bale, who wrote about half a century after his death, as so devoted from his childhood to learning and piety, growing from grace to grace, that no one throughout England was more renowned for his sanctity. He was born at Beverley in Yorkshire, where his parents do not appear to have filled any high station. But they were in circumstances sufficiently easy to enable them to give him an university education; and he accordingly studied at Cambridge till he took the degree of Doctor of Laws. In 1461 he was collated to the church of St. Margaret's, New Fish Street, London, and subsequently received two prebends, one in the church of Salisbury, and the other in that of St. Paul's. He was next advanced, on April 29, 1462, to the deanery of the Chapel of St. Stephen, in the Palace of Westminster.

It is not improbable, from the diplomatic services in which he was engaged, that he acted as an advocate in the ecclesi-

astical courts, the members of that branch of the law being then commonly selected for that duty. In March, 1470, a few months before the restoration of Henry VI., he was one of the ambassadors to the King of Castile[1], and having, on on April 29 in the following year, immediately after the Battle of Barnet, which replaced Edward IV. on the throne, superseded William Morland in the office of master of the Rolls[2], he was appointed, on August 26 in the same year, a commissioner to treat with the Scotch ambassadors for a perpetual peace.[3]

On the translation of Thomas Rotheram to the see of Lincoln, Alcock was made Bishop of Rochester, on March 17, 1472, having on the previous day resigned the mastership of the Rolls to John Morton. But that his retirement from that office was not caused by any judicial incapacity is proved by the Great Seal being placed in his hands on the 20th of the following September, when the lord chancellor, Bishop Stillington, gave up the duties on account of a temporary illness.[4] Bishop Alcock opened the parliament as keeper on October 6; and the lord chancellor, having recovered, prorogued it on April 5, 1473.[5]

The merits of Bishop Alcock were highly estimated by King Edward, who entrusted to him the education of his infant son, and placed him on his privy council. A curious instance of the royal favour occurred in the year 1475, when both Alcock and Rotheram held the title of lord chancellor for several months together, affording a solitary instance, in the history of this kingdom, of two chancellors acting at the same time. The fact is incontestably proved by the evidence of

[1] Rymer, xi. 653.

[2] Rot. Pat. 11 Edw. IV., p. 1. m. 24. Dugdale has inadvertently called it 1 Edw. IV., an error which all the bishop's biographers have followed, giving the year 1462 instead of 1471, as the date of his appointment.

[3] Rymer, xi. 717.

[4] Claus. 12 Edw. IV., m. 16.

[5] Rot. Parl. vi. 3. 9. 41.

numerous Privy Seal bills addressed to both by the same title, from April 27 to September 28, 1475. This extraordinary circumstance may be thus explained. When the king planned his invasion of France, he intended to be accompanied by his lord chancellor, Bishop Rotheram, and, feeling it necessary to provide for the business of the Chancery in England, he nominated Bishop Alcock to take the duty during the chancellor's absence. Instead, however, of pursuing the customary practice of making him merely keeper of the Seal, he, as a mark of special favour, invested him with the title of chancellor, intending that the regular chancellor should be with him during the whole period of his absence in France. It happened, however, that from some cause or other the armament was delayed from April till July, so that during those months Privy Seal bills were addressed to both officers in England, frequently on the same day and from the same place.[1] The last writ of Privy Seal addressed to Bishop Alcock is dated on September 28, after which Bishop Rotheram, having returned from France, resumed his functions as sole chancellor.

The see of Worcester becoming vacant, the king was happy in the opportunity of appointing Alcock to fill it; and possession of the temporalities was granted to him on September 25, 1476.[2] He presided over the diocese for the rest of the reign, during which he enlarged the church of Westbury, and founded a school at Kingston-on-Hull, where he built a chapel over the remains of his parents at the south of the church, endowing a chantry there also.[3] In 1478 he was constituted President of Wales, and was a trier of petitions

[1] Mr. T. Duffus Hardy has kindly furnished me with extracts from many of these.

[2] Rymer, xii. 34.

[3] Cal. Rot. Pat. 324.

in the last parliament of Edward's reign. On the death of that monarch he was removed from the preceptorship of his infant successor by the protector Richard, who, however, introduced a clause in the act of attainder passed when he became king, declaring it should not prejudice the bishop in reference to certain property in Kent.[1]

The battle of Bosworth, on August 22, 1485, placed Henry VII. on the throne; and Bishop Alcock was his first chancellor. The date of his appointment is not recorded; but he was present in that character at the coronation on October 30[2], and opened the first parliament on November 7[3], efficiently superintending the difficult questions it had to decide. Bishop Morton succeeded him in the office on March 6 in the following year[4]; and on that prelate's advance to the primacy, Bishop Alcock was translated to Ely, and admitted to the temporalities on December 7, 1486, having in the intervening July been employed in treating with the commissioners of the Scottish king.[5] After this he does not appear to have mixed in politics beyond acting a short time in his old office of President of Wales; and also as one of the triers of petitions, among whom his name occurs up to the twelfth year of Henry's reign, 1496-7.

The latter years of his life were occupied in building the spacious and beautiful hall at his palace of Ely, and in decorating all his manors with new edifices. On the site also of the old nunnery of St. Radegund, in Cambridge, he founded Jesus College, a lasting monument of his liberality and taste. Nor were the claims of literature forgotten. Various compositions connected with his profession issued from his pen;

[1] Rot. Parl. vi. 201. 249.

[2] Rutland Papers (Camden Soc.), x. 10.

[3] Rot. Parl. vi. 267.

[4] Dugdale has erroneously made this the date of Bishop Alcock's nomination as chancellor. But the patent was to *John, Bishop of Ely*, who was John Morton, Alcock not being translated to that see till the following December.

[5] Rymer, xii. 285. 318.

among which was one called "Galli Cantus ad Confratres suos curatos in Synodo apud Barnewell, 25 Sept., 1498," at the beginning of which is a print of himself preaching to his clergy, with a cock (his crest) at each side. In his sermons he must have fatigued his auditors, if they were all as long as one he preached at St. Mary's church, in Cambridge, which is said to have lasted two hours.

The bishop died at his castle, at Wisbeach, on October 1, 1500, and was buried in a magnificent chapel erected by himself in Ely cathedral. All writers concur in speaking highly of his erudition and his piety. The latter is said to have been carried to an extreme in mortifications and abstinence. He was greatly beloved and respected by his contemporaries, and was named by Judge Lyttelton as the supervisor of his will. Coke in relating this fact calls him "a man of singular piety, devotion, chastity, temperance, and holiness of life."[1]

ALLEYN, JOHN.

B. E. 1504.

See under the Reign of Henry VIII.

BAINBRIDGE, CHRISTOPHER, ARCHDEACON OF SURREY, DEAN OF YORK AND WINDSOR, BISHOP OF DURHAM, ARCHBISHOP OF YORK, CARDINAL.

M. R. 1504.

CHRISTOPHER BAINBRIDGE, who was master of the Rolls under Henry VII. for a little more than three years, sprang from an ancient family seated at Hilton near Appleby in Westmoreland, where he was born. He was educated at Queen's College, Oxford, and took his degree in laws, being

[1] First Inst. Proemium; Fuller's Worthies, ii. 521.; Angl. Sac. i. 381. 538. 675.; Godwin, de Præsul. 269.; Chalmers's Biog. Dict.

admitted at the same time into holy orders, and obtaining early preferment in the church. This he probably owed to the patronage of Archbishop Morton, his intimate friend, with whom he had suffered under Richard III. He became almoner of Henry VII., and was Rector of Aller, in the diocese of Bath and Wells. In 1485 he received a canonry, first in Salisbury and afterwards in York. In 1495 he was elected provost of his college, to which he was a liberal benefactor. In 1497 he was presented to the Treasurership of St. Paul's; in 1500 to the Archdeaconry of Surrey; and on December 9, 1503, to the Deanery of York. He held the latter dignity when he succeeded William Barons as master of the Rolls, on November 13, 1504, 20 Henry VII.; and on February 18 in the following year he was made Dean of Windsor.[1]

He resigned his judicial office on his being preferred to the Bishoprick of Durham, the temporalities of which were granted to him on November 17, 1507. Scarcely thirteen months had elapsed ere he was translated to the Archbishoprick of York; receiving the temporalities of that province, which had been in the king's hands for above a year, on December 12, 1508. It was probably in preparation for this removal that he obtained on November 11 a charter of general pardon[2]; a caution rendered peculiarly expedient in times when the extortions of informers were almost openly encouraged.

King Henry VIII., soon after his accession, deeming it politic to have a representative at the Roman court, Archbishop Bainbridge was selected for this honourable post; and his patent, with full powers as procurator of the king, was dated on September 24, 1509.[3] How much of his future

[1] Le Neve, 203. 291. 315. 375.
[2] Rymer, xiii. 171. 233. 235.
[3] Ibid. 264.

life he spent at Rome does not precisely appear; but while there he so negotiated in the war against the King of France as to please both his sovereign and the pope, from the latter of whom he received the reward of a cardinal's hat in March, 1511, with the title of St. Praxedis. But, not exercising in his own family the prudence which he exhibited in diplomacy, he is said to have fallen a sacrifice to the violence of his temper. Having, in a fit of passion, given a blow to Rinaldo de Modena, a priest in his household, the malicious Italian, according to this account, avenged the insult by poisoning his master. The letters, however, of William Burbank and Richard Pace, the cardinal's secretaries, give a very different complexion to the transaction. They mention nothing about the blow, but state that the priest, in his first confession, acknowledged he was instigated by the Bishop of Worcester, Silvester de Giglis, the cardinal's known enemy, who gave him fifteen ducats of gold, and that, though he was afterwards induced to deny the bishop's complicity in the murder, the doctors and learned men to whom the case was referred would not admit the contradiction. Richard Pace [1] seems to have had some difficulty in saving the bishop, "having respect unto him as your grace's orator," from the execution of the judge's determination that he "should not only be put in prison, but also suffer torments and be compelled to shew the truth." The poison was administered at Spoleto; and the Cardinal's death took place on July 14, 1514. It was announced to the king in a letter, dated the same day, from the Cardinal de Medicis, afterwards Pope Clement VII.; and it is added in another letter that the priest, "smote himself with a small knyff," and died twelve days afterwards. [2]

The Archbishop was buried in the cloister of the church

[1] Afterwards principal Secretary of State.

[2] Rymer, xiii. 404.; Ellis's Letters, First Series, i. 100—108.

of St. Tommaso degli Inglesi at Rome, under a fine monument still to be seen, with a full-length recumbent figure of his handsome person. He bequeathed 20,000 golden ducats towards the building of St. Peter's.[1]

BANGOR, Bishop of. *See* H. Dene.

BARNEWELL, THOMAS.

B. E. 1494.

The same deficiency of materials in tracing the history of the barons of the Exchequer, which has been noticed in former reigns, is still observable. Brought up mostly as clerks in the department, and advanced gradually from the inferior offices to a seat on the bench, they did not mix like the leading advocates with the general world; and being often in holy orders they left no direct descendants to continue their names.

Of Thomas Barnewell nothing is known beyond his being appointed second baron of the Exchequer on October 1, 1494, 10 Henry VII., and that a successor was put in his place on May 2, 1496.[2]

BARONS, WILLIAM, Bishop of London.

M. R. 1502.

Of the early history of William Barons or, as he is sometimes called, William Barnes, nothing is recorded. He took the degree of Doctor of Laws at Oxford; but in which of the colleges or halls he studied has not been discovered. He became commissary of the prerogative court of Canter-

[1] Four years at the Court of Henry VIII., ii. 146.; Surtees's Durham, i. lxiv.; Godwin, de Præsul. 699. 753. 796.; Athen. Oxon. (1815), ii. 702.

[2] Dugdale's Chron. Series.

bury; and having entered into orders, he received several benefices in the Church. In October, 1500, he was presented to the living of East Peckham in Kent, and in the following December to that of Beaconsfield in Buckinghamshire; in April, 1501, to that of Gedney in Lincolnshire; in June, 1502, to that of Bosworth in Leicestershire, and in June, 1503, to that of Tharfield in the archdeaconry of Huntingdon.

Previously to his nomination to the last two, he had been appointed master of the Rolls in the room of Bishop Warham, his patent being dated February 1, 1502. In June he was one of the negotiators of the treaty of marriage between Prince Henry and Catherine of Arragon; and on the 24th of the following January he assisted in laying the first stone of Henry VII.'s chapel at Westminster abbey. On his predecessor Bishop Warham being elected Archbishop of Canterbury, Dr. Barons again succeeded him as Bishop of London, receiving the papal confirmation on August 2, 1504, but not obtaining the restitution of the temporalities till November 13. On the latter day he resigned his judicial office, and died in less than a year afterwards, that event occurring on October 9, or 10, 1505. He was buried in St. Paul's.[1]

BERKS, ARCHDEACON OF. *See* J. MORTON.

BLYTH, JOHN, ARCHDEACON OF RICHMOND, BISHOP OF SALISBURY.

M. R. 1492.

JOHN BLYTH was one of the sons of William Blyth of Norton in Derbyshire, by a sister of Archbishop Rotheram,

1 Godwin, de Præsul. 190.; Wood's Athen. Ox. ii. 694.; Claus. 16 Hen. VII. ind.; Dugdale's Chron. Series; Stow's London, 499. Rymer, xiii. 78. 111.

and grandson of another William Blyth, of Leeds in Yorkshire. Although his parents were of inferior rank, they were enabled to send him and his brother Geoffrey, probably through the interest of their uncle the archbishop, to the university of Cambridge, where each of them successively became master of King's Hall, each also being eventually raised to the episcopal bench; John as Bishop of Salisbury, on December 22, 1493[1], and Geoffrey as Bishop of Lichfield and Coventry, on December 26, 1503.

At the time of his elevation to the prelacy, John Blyth was Archdeacon of Richmond, to which he had been admitted on October 8, 1485.[2] He was also master of the Rolls, having been appointed on May 5, 1492.[3] This office he resigned on February 13, 1494, a few days before his consecration; and in the same year he was elected chancellor of the university in which he was educated. He enjoyed his honours only five years, dying about August 23, 1499. His remains were deposited in a handsome tomb behind the high altar in his cathedral.[4]

BOLLING, WILLIAM.

B. E. 1501.

See under the Reign of Henry VIII.

BOTELER, JOHN.

Just. C. P. 1508.

See under the Reign of Henry VIII.

BRUDENELL, ROBERT.

Just. K. B. 1507.

See under the Reign of Henry VIII.

[1] Rymer, xii. 552.
[2] Le Neve, 326.
[3] Dugdale's Chron. Series.
[4] Godwin, de Præsul. 323. 352.

BRYAN, THOMAS.

CH. C. P. 1485.

See under the Reigns of Edward IV., Edward V., and Richard III.

THE place of Thomas Bryan's nativity cannot be stated with any certainty, nor the family from which he sprung. He studied the law in Gray's Inn, and is mentioned in the Year Books as an advocate so early as Hilary, 34 Henry VI., 1456. His call to the degree of the coif was in Michaelmas, 1463[1]; and his practice seems to have been considerable, both during the next seven years of Edward's reign and the short restoration of Henry VI. that followed. The death or retirement of Chief Justice Sir Robert Danby occurring at the end of the latter period, Thomas Bryan was raised to the head of the Common Pleas in his stead, on May 29, 1471, a few weeks after Edward's return.[2] In 1475 he received the honour of knighthood on the same day as the Prince of Wales[3]; and he continued to perform the duties of his office for the remainder of the reign.

There is evidence of his not being removed under Edward V. and Richard III.; and from the latter he received a grant, in tail male, of the manors of Wyllesford near Uphaven in Wiltshire, of Over in Gloucestershire, and of Calverton in Buckinghamshire[4], properties forfeited to the king by persons attainted. These grants are stated to be for services against the rebels; but the nature of them is not mentioned. That they were judicial, and not political, may be presumed from his immediately receiving a new patent as chief justice on Henry VII.'s accession, and from his being appointed one

[1] Y. B. 3 Edw. IV., p. 12. b.
[2] Dugdale's Chron. Series.
[3] Holinshed, iii. 344.
[4] 9 Report, Pub. Rec., App. ii. 1. 12. 122.

of the commissioners to execute the office of steward at that king's coronation.[1]

He presided in his court till his death, about October, 1500, when Sir Thomas Wood was preferred to his place. Sir Thomas Bryan's will was proved on December 11 in that year; and, inasmuch as both he and his son Thomas desired to be buried in the religious house of Ashruge, and the son of the latter was buried there, it may be presumed that he was seated in Buckinghamshire. The name of his wife does not appear; but his will proves that, besides a daughter Elizabeth and a bastard child Joan, to whom he bequeathed a legacy, he left a son named Thomas, who married Margaret, the daughter of Sir Humphrey Bouchier, the son of Lord Berners. By her Thomas had a son Francis, who was knighted for his services in France, and was gentleman of the Privy Chamber to Henry VIII., by whom he was employed in important negotiations, and was ultimately made lord justice in Ireland. He was the intimate friend of Sir Thomas Wyatt, and was himself a scholar and a poet. His poetical powers are thus celebrated by Drayton in the "Heroical Epistles."

> "And sweet-tongu'd Bryan, whom the muses kept,
> And in his cradle rock'd him while he slept."[2]

CALOWE, WILLIAM.

JUST. C. P. 1487.

THERE was a family of Calowe seated at Holbeach in Lincolnshire in the reign of Richard II., from which this William Calowe probably descended. He was so short a time a judge that very little is known about him. In the

[1] Rymer, xii. 277.

[2] Testament. Vetust. 449. 551.; Wood's Athen. (1845), i. 169.

Year Books he is mentioned under the name of Collow, as an advocate from Michaelmas, 15 Edward IV. 1475, and as having been called serjeant from the Middle Temple in Trinity Term of the eighteenth year. In the second year of Richard III., 1484, he was joined with Sir John Catesby in the commission of assize for the county of Dorset; and in January 31, 1487, 2 Henry VII., he was raised to the judicial seat in the Common Pleas. The only fine levied before him is in the following Trinity Term; and, from the absence of all notice of him from that time, it would seem that he then resigned or died. The name, indeed, once occurs in the Year Book of Michaelmas 15 Henry VII., 1499; but probably this is a mistake.[1]

CANTERBURY, ARCHBISHOPS OF. *See* J. MORTON, H. DENE, W. WARHAM.

CATESBY, JOHN.

JUST. C. P. 1485.

See under the Reigns of Edward IV., Edward V., and Richard III.

THE family of John Catesby was settled in Northamptonshire; and he was no doubt a relation, apparently the uncle, of William Catesby, esquire in the household of Edward IV. and Richard III., who was attainted for his adherence to the latter in the field of Bosworth, since the manors of Kirkby on Wretheck, and other lands in the county of Leicester, which Sir John Catesby and two others held by the gift of Thomas Davis and John Bye, are exempted from the operation of that attainder.[2]

[1] Rot. Parl. iii. 402. vi. 322.; Dugdale's Orig. 47.; Y. B. 18 Edw. IV. fo. 11.
[2] Rot. Parl. vi. 276. 278.

He was a member of the Inner Temple, or the "Inner Inne," as it was then called; and first appears among the advocates in the Year Books in Michaelmas 37 Henry VI., 1458. He was honoured with the coif in 1463 [1], and made king's serjeant on April 18, 1469. It was not till more than twelve years afterwards that he was promoted to the Bench, being constituted justice of the Common Pleas on November 20, 1481, 21 Edward IV. He was knighted in the following year; and the three subsequent changes in the sovereignty of the kingdom made no alteration in his judicial position.

Henry VII., however, delayed his re-appointment for nearly a month after his brethren, probably on account of doubts arising from his relationship to William Catesby, so closely connected with the late king.

At one time of his life, either he or a namesake occupied a tower and house in the palace of Westminster, called "le Grene Lates," which tower and house, and other tenements there, together with the custody of the houses in Westminster Hall called by the extraordinary names of "Paradyse, Helle, and Purgatory," were granted to Anthony Kene, Esq., in 1 Henry VII.[2]

The excellence of his character may be inferred from his being the first-named executor in the will of Bishop Waynflete[3], whom he survived but a short time. He died between November 3, 1486, the date of the last fine levied before him[4], and Hilary Term, 1487; a case in the Year Books of 2 Henry VII., fo 10., reciting that he died in coming to court, "viii. lewkes extra London," whereupon certain writs he had received were admitted.

He married Elizabeth the daughter of William Green

[1] Y. B. 3 Edw. IV. fo. 13.
[2] Rymer, xii. 275.; Rot. Parl. vi. 372.
[3] Chandler's Waynflete, 382.
[4] Dugdale's Orig. 47.

of Heese in Middlesex, Esq.; and by his will it appears that he had seven sons and two daughters. He desired to be buried in the abbey of St. James, in Northampton, and apparently was seated at his manor of Whiston in that county.[1]

The conspirator in the gunpowder plot was one of his descendants.

DANVERS, WILLIAM.

JUST. C. P. 1488.

WILLIAM DANVERS was half brother to Sir Robert Danvers, judge of the Common Pleas in the reigns of Henry VI. and Edward IV., being one of the sons of John Danvers, of Cothorp in Oxfordshire, by his second wife, Joan, daughter of William Bruly of Waterstock in the same county. He probably received his legal education in Lincoln's Inn, where Robert had studied; but he does not appear in the list of the governors or of the readers in that house. There must have been a considerable difference between the ages of the two, because William's career as an advocate, in the Year Books, does not commence till 1475, seven or eight years after his brother's death. He attained the degree of serjeant-at-law soon after the accession of Henry VII., in the third year of whose reign, on February 5, 1488, he was raised to the bench of the Common Pleas. Although his attendance in court is not noticed in the Year Books beyond Trinity, 16 Henry VII., 1501, fines appear to have been acknowledged before him as late as February, 1504.

He married Anne, daughter and heir of John Perry, Esq., of Chamberhouse in Berkshire; and his descendants were settled at Upton in Warwickshire.[2]

[1] Testam. Vetust. 277. 389.

[2] See Vol. IV. p. 428.; Dugdale's Orig. 47., Burke's Ext. Baronet. 150.

DENE, HENRY, Bishop of Bangor and Salisbury, Archbishop of Canterbury.

Keeper, 1500.

Although holding three sees successively, Henry Dene wore the episcopal mitre for little more than five years. His public career is equally short; and little is preserved of his private history. His origin is not recorded, except that he was a Welshman, which might perhaps operate as a recommendation to the king; and the place of his education is also disputed, both Oxford and Cambridge putting in a claim. He is first mentioned as Prior of Llanthony in Monmouthshire, in 1493, and as such he was constituted Chancellor of Ireland on Sept. 13, 1494.[1] His services in turning away the impostor Perkin Warbeck from the Irish shores secured King Henry's favour; and he was rewarded, on October 6, 1496, with the Bishoprick of Bangor, the temporalities of which had been placed in his custody two years previously.[2] In this see he restored the rights of the church, which had almost been lost by non-claimer, and regained several valuable properties, which the indifference or the fears of his predecessors had allowed others to appropriate. He was still actively proceeding in the work of restoration when, in little more than three years after his elevation, King Henry, appreciating his activity, translated him to the more important diocese of Salisbury, on March 22, 1500.

In less than six months, the death of Cardinal Morton left both the chancellorship and the primacy vacant. The former was not filled up, as far as regards the title; but the power, with the custody of the Great Seal and the name of

[1] Smyth's Law Officers of Ireland, 15. [2] Rymer, xii. 523. 642.

keeper, was, after an interval of a month, transferred to Bishop Dene, on October 13.[1] The primacy was at first supplied by the election of Thomas Langton, Bishop of Winchester; but, that prelate dying of the plague before his consecration, the new keeper was substituted for him in the following January, and the temporalities were restored on August 2, 1501. The Pope soon after appointed him his legate in England; and he was engaged before the end of the year in negotiating the treaty of marriage between the King of Scots and the Princess Margaret.[2] No reason being assigned for his early resignation of the custody of the Great Seal on July 27, 1502, it may probably be attributed to the failure of his health, as he survived his retirement only half a year. He died at Lambeth, on February 15, 1502-3; and his remains were deposited in Canterbury cathedral.

The activity he had displayed at Bangor showed itself even in his brief enjoyment of the primacy, by the additions he made to the archiepiscopal palace at Offord, and his improvements of Rochester Bridge.[3]

During the last two years of his life, Wolsey, the future cardinal, officiated as chaplain in his household.

DURHAM, BISHOP OF. *See* C. BAINBRIDGE.

DYMOCK, ANDREW.

B. E. 1496.

THE name of Dymoke is familiar to English ears by the service which its bearers, as owners of the manor of Scrivelsby in Lincolnshire, are bound to perform, of appearing at the coronation of our kings, as champions to defend the royal title against all objectors. That manor was

[1] Claus 16 Hen. VII. ind.
[2] Rymer, xii. 793.
[3] Godwin, de Præsul. 132. 352. 625.

acquired by the marriage of Sir John Dymock, the ancestor of the present family, with the heiress of Philip de Marmiun, in the latter end of the reign of Edward III. Sir John is stated to have been the grandson of Henry Dymmok, who was living at the beginning of that reign.[1] He no doubt was the Henry Dimmock who was appointed usher of the Exchequer in 11 Edward III.[2] This was a post of considerable importance and emolument at that time, and had been held in the two previous reigns by a John Dymmok.[3]

The name has all the above variations in spelling, arising from the irregularity of orthography then prevailing. By the natural division of the family, in the course of ages, into different branches, each adopting its own mode of spelling, and spreading out by marriage and otherwise, they became settled in various counties, and gradually lost connection with each other. The champion's family, the present representative of which was honoured with the baronetcy in 1841, has preserved the name of Dymoke; and there is a family in Rutlandshire who write it Dimock.

A lapse of so many centuries renders it difficult to trace a precise relationship; but, although the name of Andrew Dymock, or Dimmock (for it is spelled both ways in the records), does not occur in the pedigrees, it seems not improbable, from his connection with the Exchequer, that he was a descendant from the John and Henry who had held an office in that department, which was perhaps in their day, as it had certainly been previously, hereditary.

Of Andrew Dymock personally, little is recorded. He was constituted solicitor-general in 1485, the first year of Henry VII.; but, as his name is never mentioned in the Year Books, his duties were probably confined to the advocacy of the king's interests in the Exchequer. To the second barony

[1] Burke's Peerage, 346.
[2] Madox's Exch. i. 360., ii. 85.
[3] Cal. Rot. Pat. 130.

in that court he was preferred on May 2, 1496, 11 Henry VII.; and he filled that seat till the sixteenth year of the reign, when Bartholomew Westby succeeded him.[1]

ELIOT, WILLIAM.

M. R. 1485.

ALTHOUGH William Eliot was named master of the Rolls, in conjunction with Robert Morton, by patent dated November 13, 1485, to hold them for life and for the life of the survivor[2], there is no evidence of his exercising the duties of the office, nor of his retaining it, after his partner was consecrated Bishop of Worcester in February, 1487. On the contrary, David William is mentioned in the office on the 22nd of that month, and William Eliot as acting as a simple master in Chancery, being named in that character as a receiver of petitions in parliament from the fourth to the eleventh year of the reign.

The only further mention of his name is as one of the grantees (John Morton, Bishop of Ely, being the first) of the Deanery of St. Berian in Cornwall, the patent for which was excepted from the operation of the act of resumption passed about the time when the joint patent of the office of master of the Rolls was granted to him and Robert Morton.[3]

ELY, BISHOPS OF. *See* J. ALCOCK, J. MORTON.

FAIRFAX, GUY.

JUST. K. B. 1485.

See under the Reigns of Edward IV., Edward V., and Richard III.

GUY FAIRFAX was the third son of Richard Fairfax, of an ancient family seated at Walton in Yorkshire, by Anastasia,

[1] Dugdale's Chron. Series.
[2] Pat. 1 Hen. VII., p. 4. m. 3.
[3] Rot. Parl. vi. 346. 409. 441. 458.

daughter and co-heir of John Carthorpe.[1] He received from his father the manor of Steeton in that county, where he afterwards built a castle, which continued the chief residence of his posterity till the beginning of the last century, when the family removed to Newton Kyme, about six miles distant from the castle, which is now the principal farm house on the estate.

In 1421, when he must have been quite an infant, his name is mentioned with others as seised of the manor of Hameldene[2]; in 1435 he was one of the commissioners of Array for the West Riding; and in 1460 he was joined with Sir William Plumpton and others to inquire concerning the lands, in that riding, of Richard, Duke of York, attainted in the preceding parliament.[3] It may be presumed that he participated in the mercy shown by the duke's son, King Edward, to his friend Sir William Plumpton; for in Michaelmas, 1463, he was called serjeant from Gray's Inn[4], proving, therefore, that he had studied the law in that society. From that time, and not before, his arguments in the court are recorded in the Year Books; and on April 28, 1468, the king appointed him one of his own serjeants. In the following year he is noticed as being employed by Sir William Plumpton, and as receiving ten shillings for his fee; a sorry honorarium to be offered to a king's serjeant. A few years afterwards, in an appeal carried on, as the judges suspected, by the maintenance of Sir William, in which they expressed their opinion that the men charged were not guilty, Fairfax "said openly att the barre that he knew so, verily they were not guilty; that he would labor their deliverance for almes,

[1] The Peerages, without any authority, have made Richard Fairfax chief justice of England. It does not appear that he was even a lawyer.

[2] Rot. Parl. iv. 164.

[3] Plumpton Corresp. lii. lxvi.

[4] Y. B. 3 Edw. IV., fo. 10.

not takeing a penny;" whereupon Sir William's agent retained two other counsel.[1]

He was appointed recorder of York in 1476[2], which he held about a year. The date of his elevation to the bench is not preserved; but he is first mentioned in the character of a judge of the King's Bench in Trinity Term, 1477.[3] On October 8, 1482, he had a grant of 110 annual marks, in addition to his salary. On the death of Edward IV., and again on the usurpation of Richard III., he had a renewal of his patent; and a few days before Richard's assumption of the crown he was made chief justice of Lancaster[4]; nor did the termination of the tyrant's career make any change in his judicial position. For the first ten years of the reign of Henry VII. he kept his seat, and died in possession in 1495, leaving behind him the character of an able lawyer and a conscientious judge.

By his marriage with Margaret, daughter of Sir William Ryther, he had six children, four sons and two daughters. His eldest son, Sir William, who will be mentioned as a judge of the Common Pleas in the next reign, was the ancestor of the Barons Fairfax of Cameron, in Scotland.

The Viscounty of Fairfax of Elmley, in Ireland, which was granted in 1628 to a descendant of William the elder brother of Sir Guy, became extinct on the death of the tenth lord, in the last century, without male issue.[5]

FINEUX, JOHN.

JUST. C. P. 1494. CH. K. B. 1495.

See under the Reign of Henry VIII.

FISHER, JOHN.

JUST. C. P. 1501.

See under the Reign of Henry VIII.

[1] Plumpton Corresp. 23. 35.
[2] Drake's York, 363.
[3] Y. B. 17 Edw. IV., fo. 4. b.
[4] Grants of Edw. V., 6
[5] Biog. Peerage, iii. 249. iv. 473.; Burke's Landed Gentry, 393.

FROWYK, THOMAS.

CH. C. P. 1502.

FROM the time of Henry III. the records of the city of London afford evidence of the respectability and opulence of the family of Frowyk. In that reign the conduit in Newgate Street was built at the charge of Henry Frowyk and Sir Henry Basynges; under Edward I. and II. Thomas and Roger were successively goldsmiths to the king, and Simon was an alderman. Under Edward III. one of the assessors of the subsidy in Middlesex was Henry de Frowyk, and another of the same name gave lands for the support of four chaplains for the chantry in the chapel of "St. Marie Gyhalle, London." In that reign also John de Frowyk was prior of St. John of Jerusalem in Ireland, and chancellor of that kingdom, and Thomas de Frowyk was a justice of labourers and coroner and clerk of the King's House of Merchants. In the reign of Henry VI., Henry de Frowyk was an alderman and twice lord mayor of London, and justiciary of the German merchants in that city; and in the seventh year of Edward IV., Thomas Frowyk was a member of the parliament then assembled.[1]

The latter was probably the father of the chief justice, who was born at the manor of Gunnersbury in the parish of Ealing, Middlesex. His mother was daughter and heir of Sir John Sturgeon, knight.

If Fuller is right in stating that the judge died before he was full forty years old, he must have been born about the year 1466, in which case he could have been only twenty-three years of age when he began to practise as an advocate,

[1] Newcome's St. Alban's, 334.; Rot. Parl. i. 474., ii. 426. 455., iv. 303., v. 634.; Palgrave's Merchant and Friar, 140.; Cal. Rot. Pat. 166. 174. 285.; Devon's Issue Roll, 122. 128.; Abb. Rot. Orig. i. 198., ii. 34. 229.; Maitland's London, 1195.

his name first occurring in the Year Books in Easter, 4 Henry VII., 1489. Although in Keilwey's Reports his death is certainly recorded to have occurred "in floridajuventute sua," a wider interpretation, no doubt, must be given to the expression than modern notions warrant, considering the improbability that, in so strict an age, so green a youth should be allowed to appear before the courts.

Being the second son, he devoted himself to the profession of the law, the rudiments of which he studied in the Inner Temple. From this society he was called to the degree of serjeant at the end of Trinity Term, 1494[1]; and he attained such eminence in his practice as to be preferred, on September 30, 1502, to the high office of chief justice of the court of Common Pleas, in the place of Sir Thomas Wood[2], when he received the honour of knighthood. It is curious, however, that there is an entry in the Year Books, which would seem to fix his elevation three years earlier. The Report of Michaelmas Term, 15 Henry VII., begins thus: — "The first case which Thomas Frowike argued after he was made chief justice, was" &c.[3] But, as Bryan was then chief justice, and his judgments are recorded in the following terms, it is clear that this is a blunder; and it may perhaps be accounted for by the fact that, the reports of the 17th, 18th, and 19th years being entirely omitted, some of the cases argued in those years may have been inadvertently inserted in the wrong place. There is, indeed, no doubt that the date is incorrect; for Serjeant Frowyk is mentioned as counsel for Sir Robert Plumpton in May, 1501, which was in the sixteenth year, and in a letter of November 6, 1502, his recent appointment as chief justice is mentioned[4], thus tallying with Dugdale's account.

[1] Y. B. 9 Henry VII., fo. 23. b. Dugdale makes this call in 11 Henry VII.; but the Year Books may be here deemed the better authority.

[2] Dugdale's Chron. Series.

[3] Y. B. 15 Hen. VII. fo. 13.

[4] Plumpton Corresp. 161. 165.

This "oracle of the law," as Fuller calls him[1], presided in his court only four years, and dying on October 17, 1506, was buried in the church of Finchley. Adjoining his tomb (the inscription on which is defaced and gone) is another marble thus inscribed: —

"Joan la Feme Thomas de Frowicke gist icy;
Et le dit Thomas pense de giser avec lui."

This was probably his wife.[2] He left two daughters, between whom his estate was divided. Elizabeth, the eldest, was married to Sir John Spelman, the judge of the King's Bench in the next reign.

GLOUCESTER, Archdeacon of. *See* R. Morton.

GOLDSBOROUGH, EDWARD.

B. E. 1485.

See under the Reign of Richard III.

The family of Goldsborough, of Goldsborough in Yorkshire, to which the baron of the Exchequer belonged, was a very ancient and respectable one. Edward Goldsborough, in 1471, settled certain lands on the marriage of Richard, the son of his brother Thomas, with Alice, the daughter of Sir William Plumpton. He was probably then an officer of the Exchequer, to the bench of which court he was raised, as third baron, on June 26, 1483, 1 Richard III. He was continued in his place by Henry VII. who made him second baron on December 5, 1488, in the fourth year of his reign. After sitting there for about six years more, he was succeeded by Thomas Barnewell on October 1, 1494. His daughter Elizabeth married Sir John Gower, the ancestor of the Duke of Sutherland.[3]

[1] Fuller's Worthies, ii. 42. [2] Weever, 533.

[3] Collins's Peerage, ii. 444.; Plumpton Corresp. lxxxiii. 8. Dugdale, in the Chron. Series, has called the second baron Thomas, by mistake for Edward as it stands in the roll.

HAUGH, JOHN.

JUST. C. P. 1487.

A PORTRAIT of John Haugh, "Justis of the lawe," which is preserved in a window of the church of Long Melford in Suffolk, is the only remaining indication of the place in which he was born or resided. He was a member of Lincoln's Inn, of which society he was reader in 1469, and again in 1473, and a governor in various years extending from 1470 to 1485. In what court he practised does not appear; for his name is not recorded in the Year Books, nor is he mentioned as having taken the degree of the coif before he was raised to the bench. This event occurred about Hilary, 1487, 2 Henry VII. In that term the first fine was levied before him; and in the following November he was appointed one of the commissioners to whom the office of steward at the queen's coronation was committed. His judicial career was a short one; for he does not appear in court after Trinity Term, 1489.[1] After his death his widow Joan, daughter and co-heir of Thomas the son of Chief Justice Sir Thomas Billing, became the wife of Thomas Lovett of Astwell in Northamptonshire, and had a son named Stephen.[2]

HODY, WILLIAM.

CH. B. E. 1486.

See under the Reign of Henry VIII.

HOLGRAVE, JOHN.

B. E. 1485.

See under the Reign of Richard III.

NOTHING is recorded of John Holgrave before he was raised to the bench of the Exchequer, except his nomination

[1] Dugdale's Orig. 47. 100. 249. 258.; Rymer, xii. 328.

[2] From a pedigree kindly furnished to me by R. E. Waters Esq.; Test. Vet. 410.

as one of the overseers of the will of Thomas Windsor, the ancestor of the Earls of Plymouth, dated August 12, 1479.[1] His appointment as fourth baron took place on September 24, 1484, 2 Richard III.; and his patent was renewed on the accession of Henry VII.[2] He either resigned or died in 1487, as Nicholas Lathell was fourth baron in Michaelmas of that year.[3] He was buried in the abbey church of Bermondsey.[4]

HUNTINGDON, ARCHDEACONS OF. *See* J. MORTON, W. WARHAM.

HUSE, WILLIAM.

CH. K. B. 1485.

See under the Reigns of Edward IV., Edward V., and Richard III.

ALTHOUGH the pedigree of the noble family of Hoese or Huse is not continued after the termination of the barony in the reign of Edward III., there is little doubt that this William Huse belonged to it. In all probability he was the son of Sir Henry Huse, knight, who had a grant of free warren in 8 Henry VI. within his manor of Herting in Sussex, a property which was held by the Baron Henry in the reign of Henry III.[5] He was a member of Gray's Inn, and is mentioned as a reader there in the MS. account of that society, of which notice has before been taken. His name does not appear in the Year Books till Michaelmas, 11 Edward IV., 1471; but he must have previously attained considerable reputation, as on June 16 in that year he received the appointment of attorney-general, with full power of deputing clerks and officers under him in any court of record[6],—a power which is still introduced into the modern

[1] Testam. Vetust. 355.
[2] Dugdale's Chron. Series.
[3] Exch. Books.
[4] Stow's London (Thoms), 156.
[5] Cal. Rot. Pat. 39. 276.
[6] Ibid. 316.; Dugdale.

patents; and he had long before had a grant from the king, of the manor of Burton Pedwardyn in Lincolnshire, which was excepted from the act of resumption passed in the parliament of 7 Edward IV.[1] It was not till Trinity Term, 1478, that he took the degree of the coif[2], when it appears most probable that he resigned the attorney-generalship. The degree of serjeant-at-law was at that time superior to the office of attorney-general; and no one had lately held the two together. The last time that Huse is noticed as attorney-general in the Year Books is in the previous Hilary Term, his name only occurring afterwards as a serjeant in the court of Common Pleas, conducting cases for private clients. William Huddersfield, who succeeded him, had received just before a grant of the office for life, in reversion on the death or cession of William Huse[3], which was no doubt in anticipation of the change, and took effect, though Dugdale does not mention him at all, upon Huse's promotion to the coif. Three years subsequently, on May 7, 1481, he was made chief justice of the King's Bench, on the death of Sir Thomas Billing.[4]

On the accessions of Edward V., Richard III., and Henry VII., his patent of chief justice was renewed, showing how little the violent changes of the time interfered with the regular administration of the law, and how little connected with political movements the judges were deemed to be. In the reign of Richard III. he had a beneficial grant of the lands of Sir William Trussell during the minority of the heir[5]; and he was named by Henry VII. as one of the commissioners to decide on the claims made to do service at his coronation.[6]

In the first year of this reign he supported the purity of

[1] Rot. Parl. vi. 596.
[2] Y. B. Trin. 18 Edw. IV., fo. 11.
[3] Cal. Rot. Pat. 322.; Prince's Worthies.
[4] Cal. Rot. Pat. 326.
[5] 9 Report, Pub. Rec., App. ii. 38.
[6] Rutland Papers, 3.

his office, by successfully remonstrating with the king against the judges being consulted beforehand in crown cases which were afterwards to come before them judicially.[1] The case was that of Humfrey Stafford, charged with high treason, and reported in the Year Book 1 Hen. VII., p. 26.

In June, 1492, he was one of those commissioned to treat with the ambassadors of the King of France[2]; and on November 24, 1495, 11 Henry VII., Sir John Fineux was appointed his successor in the chief justiceship. Whether the vacancy was occasioned by the death or retirement of Sir William Huse, there is no distinct information; but probably by the former.

The name was evidently then pronounced Husey or Husee, and was often so spelled, and also House and Howsy. It gradually was changed to Hussey, by which the representatives of the family have since called themselves.

Sir William married Elizabeth, the daughter of Thomas Berkeley of Wymondham, Esq., by whom he had several children. The eldest, John, was summoned to parliament by Henry VIII. in 1534; but being attainted and beheaded two years afterwards, the barony was lost. From Sir William's second son, Robert, descended Sir Edward Hussey of Honington in Lincolnshire, who was created a baronet in 1611, and whose third son, Charles Hussey of Caythorpe in the same county, received the same honour in 1661. Both titles became united in the son of the latter in 1706; and both expired by the death of his two sons, baronets, in succession without issue.[3]

KINGSMILL, JOHN.

Just. C. P. 1503.

John Kingsmill was the son of Richard Kingsmill of

[1] Coke's 3 Inst. p. 29.
[2] Rymer, xii. 481.
[3] Dugdale's Baron. ii. 309.; Burke's Ext. Baronet. 275.

Barkham, Berks, and was himself afterwards seated at Sidmanton, in Hampshire. He had his legal education at the Middle Temple, and, having been noticed in the Year Books as an advocate from Michaelmas, 1489, was called from that society to take the degree of the coif in Trinity Term, 1494[1]; and in Easter Term, 1497, he was made one of the king's serjeants. That he was held in high estimation at the bar, is proved by the following letter from one of the correspondents of Sir Robert Plumpton, for whom the serjeant was professionally engaged. "Sir, for Mr. Kingsmel, it were wel doon that he were with you, for his authority and worship; for he may speke more plainly in the matter than any counsel in this country will, for he knowes the crafty labour that hath been made in this matter, and also he will not let for no maugre. And yf the enquest passe against you, he may shew you summ comfortable remedy, for I suppose with good counsell you may have remedy; but, Sir, his coming will be costly to you."[2]

On July 2, 1503, he was preferred to the judicial seat as a judge of the Common Pleas; and fines were levied before him as late as February, 1509, two months before the king's death. His own death probably occurred about the same period, as his name does not appear in the reign of Henry VIII.[3]

He married Joan, daughter of Sir John Gifford of Ishill, and had a son John, whose second son, George, will be noticed as a judge of the Common Pleas in the reigns of Elizabeth and James I. The male descendants of John's eldest son failed in 1766, when the property devolved on a granddaughter, whose husband, Admiral Robert Bice, assumed the name of Kingsmill, and in 1800 was honoured with the

[1] Y. B. 9 Hen. VII., fo. 23. b. See note[1] in p. 52., Frowyk.
[2] Plumpton Corresp. 134.
[3] Dugdale's Orig. 47.

dignity of baronet, which expired on the death of his son without male heirs in 1823.

LATHELL, NICHOLAS.

B. E. 1487.

THIS baron of the Exchequer was perhaps some connection of the John Lathell who, in 1 Edward IV., 1461, had a patent for the keeping of Queen Jane's wardrobe beside Aldriche Gate in London, and of twelve tenantries annexed thereto. In the same year Nicholas, who is then described of the Exchequer, had a grant of 20*l.* a year out of the profits of Bedfordshire and Buckinghamshire. Both of these were excepted out of the acts of resumption. In 13 Edward IV., 1473, he was clerk of the Pipe; and fourteen years afterwards, in Michaelmas, 1487, 3 Henry VII., he was promoted, no doubt on account of his experience as an officer, to the bench of the Exchequer, as fourth baron. On December 5, 1488, he was advanced to the office of third baron, and retained his seat till the seventeenth year of that reign, when William Bolling was put in his place.[1]

LEICESTER, ARCHDEACON OF. *See* J. MORTON.

LONDON, BISHOPS OF. *See* W. WARHAM, W. BARONS.

MORTON, JOHN, ARCHDEACON OF WINCHESTER, HUNTINGDON, BERKS AND LEICESTER, BISHOP OF ELY, ARCHBISHOP OF CANTERBURY, CARDINAL.

LORD CHANCELLOR, 1486.

See under the Reign of Edward IV.

AUTHORS have not agreed whether the birthplace of this eminent prelate was at Bere Regis, or at Milborne St. Andrew, in the county of Dorset; a question of little com-

[1] Rot. Parl. v. 472. 529., vi. 97.; Exch. Book; Dugdale.

parative importance, as the distance between the two places is not above three miles. He was the son of Richard Morton, of a very ancient Nottinghamshire family, whose father was the first who settled at Milborne Stileham in Bere Regis. One of the bishop's uncles represented Shaftesbury in parliament; and one of his brothers was ancestor of a baronet created in 1619, but whose male descendants failed in 1698, when the title expired.

John Morton received the rudiments of his education in Cerne abbey, not far from the family seat; and he is even said to have been for some time a monk there. It is certain, however, that he was sent to Baliol College, Oxford, where he took the degree of doctor in both laws. His conduct and learning caused him to be appointed one of the commissaries of the university in 1446, and moderator of the civil law school. In 1453, he was made principal of Peckwater Inn; and in 1494, he was advanced to the head of the university as chancellor.

Commencing his public career as an advocate in the court of Arches, he soon attracted the notice of Archbishop Bourchier, to whose friendship and estimation of his talents he owed several of his advancements in the Church and the State. In 1456, while that prelate still held the Great Seal, Morton was placed about the person of Edward, Prince of Wales, son of Henry VI., as his chancellor[1]; and probably about the same time was made clerk or master in Chancery, an office he seems to have held as he was one of the receivers of petitions in the parliament of November, 38 Henry VI., 1459[2], that duty generally devolving upon these officers. His subsequent appointment to the mastership of the Rolls gives further probability to this supposition.

His ecclesiastical preferments were numerous, and no doubt were derived from the same patronage. In 1458 he was

[1] Cal. Rot. Pat. 297.

[2] Rot. Parl. v. 345.

presented to prebends in the two churches of Salisbury and Lincoln, with the office of sub-dean in the latter; and he is also described as holding the rectory of Blokesworth, near Bere Regis, which was probably a family living. At a subsequent period of his life he was collated, in 1472, to the rectory of St. Dunstan's in the West, London, and to a prebend in St. Paul's cathedral. From 1474 to 1477 he was successively instituted into four archdeaconries, those of Winchester, Huntingdon, Berks, and Leicester [1], some of which he retained till his elevation to the episcopal bench.

On the dethronement of Henry VI., neither his clerical nor official character prevented him from joining his unfortunate sovereign in the field of Towton, on Palm Sunday, 1461. He escaped from the battle, and accompanied Queen Margaret to Flanders. Beyond his being among those who were attainted of high treason in the parliament of the following November [2], he is not mentioned during the first ten years of Edward's reign, nor in the short restoration of Henry VI. The tragical events which soon after occurred having left no immediate representative of the house of Lancaster, Morton sued for and obtained his pardon in July, 1471, with the reversal of his attainder in October of the following year.[3] It is not improbable that his restoration to royal favour was as much owing to King Edward's admiration of his constancy to the fallen fortunes of Henry, as to the intercession of his friend Archbishop Bourchier; for in less than a year after his pardon he was appointed to succeed Bishop Alcock as master of the Rolls, his patent being dated March 16, 1472.[4] It would seem, however, that full reliance was not yet placed in his loyalty, since, when the Lord Chancellor Stillington was obliged by his illness in September temporarily to resign the Great Seal, it was not placed, as had been the usual previous

[1] Le Neve, 154. 159. 164. 280. 289.
[2] Rot. Parl. v. 477. 480.
[3] Ibid. vi. 26.
[4] Rot. Pat. 12 Edw. IV., p. 1. m. 15.

practice, in the hands of Morton as master of the Rolls, but was entrusted to his predecessor, Bishop Alcock. But it is proved, by contemporary correspondence, that, though Stillington acted as lord chancellor in proroguing the parliament on April 8, 1473, Dr. Morton had so far established his character at Court as to be the bearer of the Great Seal to the king between that day and the 13th.[1] In the same year it was again twice deposited with him as keeper, from June 18 to 23, on which latter day Henry Bourchier, Earl of Essex, his patron's brother, was made keeper, and from July 17 to 27, when Laurence [illegible] of Durham, became chancellor.[2] [illegible] there. [illegible] year also he was sent with Sir Thom[illegible] to [illegible] an embassy to Nuys in Germany, then under siege, to negotiate a treaty with the Duke of Burgundy.[3]

There is a second patent to him as master of the Rolls, dated May 2, 1475[4], more than three yeld of Tow[illegible]nis first appointment. On comparing the two [illegible] use of this renewal seems to be a doubt he entertained whether the grant in the first patent of the Domus Conversorum, "pro habitatione suâ," did not prevent him from residing in any other place, as the only variation in the second patent is in reference to that house, the custody of which was then granted to him "per se vel per sufficientem deputatum suum, sive sufficientes deputatos suos." Soon after this, King Edward revived his claim to the crown of France; and Dr. Morton was one of the negotiators of the treaty by which Louis XI. stopped the invasion by giving to the English king an annual pension, and distributing large sums among the most powerful in his court, of which Dr. Morton,

[1] Paston Letters, ii. 78.
[2] Rot. Claus. 13 Edw. IV., m. 11.
[3] Paston Letters, ii. 90.
[4] Rot. Pat. 15 Ed. IV., p. 1. m. 9.

with such examples before him, deemed it no disgrace to be a participator.[1]

If there was any previous doubt entertained by the king in reference to Morton's loyalty, it is manifest that it was now entirely dissipated. The earliest opportunity was taken to advance him in the Church. Bishop William Grey had not been dead above four days ere Morton was, by the king's request, elected as his successor in the see of Ely, on August 8, 1478. The papal bull of confirmation not arriving till December, the temporalities were restored to him on January 4, 1479; and on the 9th of that month he resigned the mastership of the Rolls to his nephew Robert Morton, for whom he had procured the grant in reversion nearly two years before.[2]

During the remaining four years of Edward's reign, the new bishop quietly performed his episcopal duties; and the king's confidence in his prudence and attachment is said to have been further evidenced by his making him one of the executors of his will, of which, however, no record has been discovered. That this was so, and that he was therefore supposed to feel a devoted interest in Edward's infant family, is rendered probable by the violent conduct of the Protector Richard towards him, for which no other reason appears. The young king's council had been summoned on the 13th of June, to deliberate on the coronation; and the protector, attending it, had courteously requested the bishop to let him have some strawberries from his garden in Holborn, for his dinner, and had then retired. Shortly afterwards he returned, and that furious scene which terminated in the hurried execution of Lord Hastings was performed, Bishop Morton and the Primate of York being immediately arrested,

[1] Cal. Rot. Pat. 321.; Rymer, xii. 45. 48.; Turner's England, 8vo. iii. 355.
[2] Rymer, ii. 97.; Rot. Pat. 17 Edw. IV., p. 2. m. 12., 1 Hen. VII., p. 4.

and imprisoned in the Tower. The petition, however, of the university of Oxford procured his release from that fortress; and he was sent to Brecon under the wardship of the Duke of Buckingham. On that nobleman's subsequent discontent and retirement to Brecon, the bishop contrived to glide into his confidence; and between them they concocted the plan of raising the Earl of Richmond to the throne, and uniting the two factions of York and Lancaster by the marriage of the earl with Elizabeth the eldest daughter of the late King Edward. The account given in Sir Thomas More's history and the subsequent chronicles, is evidently derived from the bishop's own relation; and it is amusing to see the tact with which he led the duke to open his mind, creating a greater admiration of his cunning than his conscience. He urged his dismissal, under the pretence that by his presence in Ely he could assist the project; but the duke would not part with so wise and politic an adviser. The bishop therefore contrived his own escape, and, obtaining a supply of money in Ely, immediately joined the Earl of Richmond in Flanders. The duke's capture, and sudden execution on November 2, quickly followed; and the bishop, in the parliament of January, was deprived of all his possessions.[1] The Earl of Richmond's fleet having been scattered by a storm, it was not till nearly two years afterwards that his hopes of acquiring the English crown were realised by the defeat of Richard, at Bosworth, on August 22, 1485.

During the interval, Bishop Morton had remained in Flanders, and had been of great service to Richmond in advising him of Richard's projects against him. The earl had not long assumed the crown, with the title of Henry VII., ere he summoned the bishop to England, and, admitting him into the Council, loaded him with favours. His attainder being reversed in the first parliament, he was constituted

[1] Rot. Parl. vi. 245. 250. 273.

lord chancellor on March 6, 1486[1]: and in July, on the death of Cardinal Bourchier, the temporalities of the see of Canterbury were placed in his custody during the vacancy, in preparation for his own election to the primacy, which immediately followed, the papal bull of translation being dated on October 6. As a further mark of grace, he was soon after released from the payment of the tenth, recently imposed on the clergy of the province of Canterbury.[2]

Thus placed in possession of the highest offices, both in Church and State, he retained them during the remainder of his life.

As a minister of the former, one of his first efforts was directed to the reformation of the priests, who, living in luxurious extravagance, were guilty of drunkenness and incontinence, and even worse crimes. So early as the March succeeding his election, the archbishop addressed a rebuking letter to his clergy forbidding their appearance in taverns, censuring a custom they had adopted of so arranging their hair as to conceal their tonsure, and of otherwise wearing their garments so as to prevent them from being distinguished from the laity; reprobating their non-residence on their benefices, and prohibiting their carrying swords or other arms, or purses and ornaments of gold. The dissolute life led in the monasteries was the next object of his attention; and the laxity of morals and general profligacy of the monks are incontestably proved by his letter to the abbot of St. Alban's, in which he enters into a minute detail, commanding an effective reformation within sixty days. His strenuous exertions in pursuing his ecclesiastical reforms naturally produced hostility on the part of those attacked, and were even opposed by some of the bishops. Conspiracies formed against his life were said to have occasioned the passing of the statute 3 Henry VII. c. 14., making such an

[1] Claus. 1 Hen. VII., n. 94.

[2] Rymer, xii. 302. 317. 323.

offence against any of the king's servants felony. His energy, however, was supported by the king, and approved by the pope, by whom he was rewarded with the cardinal's hat, with the title of St. Athanasius, in 1493.

As a minister of the crown, historians differ as to his character, some asserting him to be the author of Henry's oppressive measures, and others vindicating him from the charge, by showing that after his death the king did not diminish his severity. The former, in support of their views, cite the argument he used to the unwilling to enforce the "Benevolence" — a dilemma which received the name of the Bishop's Fork or Crutch, and which Fuller, with his usual quaintness, describes as "perswading *prodigals* to part with their money because *they did spend it most*, and the *covetous* because *they might spare it best*; so making both *extreams* to meet in one *medium*, to supply the king's necessities." The latter declare, on the contrary, that, so far from encouraging, he endeavoured to soften and restrain the king. The truth probably lies something between the two extremes. The avaricious propensities which accompanied the king's ambition are notorious; and a wise minister can never object to see the royal treasury well supplied. The archbishop may therefore be reasonably presumed to have given his willing aid in filling it; but no instance has been adduced in his history, which can warrant a supposition that he mixed harshness and cruelty with his endeavours. The haughtiness of his manners would make him unpopular; but his wisdom and eloquence, his zeal and discretion (which all allow him), must have secured the favour of his sovereign, while his loyal devotion to the family he had served (not leaving it till its total extinction), and his successful efforts to terminate the civil war which had so long distracted the kingdom, are claims on the admiration of posterity which cannot fail to be acknowledged.

After presiding over the province of Canterbury for fourteen years, he died on September 13, 1500, at his palace of Knoll, in Kent, whence his remains were removed for interment in Canterbury cathedral.

To both his dioceses he was a liberal benefactor, restoring their cathedrals and repairing their palaces, and executing in Ely a work of public utility in draining the fens, by a cut called the New Leame, or Morton's Leame, more than twelve miles long. The poor were not forgotten by him, either in his life or his testamentary remembrances; and both the universities were partakers of his bounty: Oxford, in his contributions to the repair of the canon law schools, and the completion of St. Mary's church; Cambridge, in the foundation of four scholarships at St. John's college; and both, in annual exhibitions directed by his will to be given to poor scholars.[1]

MORTON, ROBERT, ARCHDEACON OF WINCHESTER AND GLOUCESTER, BISHOP OF WORCESTER.

M. R. 1485.

See under the Reigns of Edward IV., Edward V., and Richard III.

ROBERT MORTON was the son of Sir Rowland Morton of Thwining in Gloucestershire, who was a younger brother of Archbishop John Morton.[2] To that celebrated prelate he was probably indebted for his advancement in the Church, and to the judicial position he filled; for there is nothing in his history which would give him a personal claim to either. His uncle, previous to his elevation to the episcopal bench, and no doubt in contemplation of it, had procured for Robert, on May 30, 1477, a grant in reversion of the mastership of the Rolls on his death or resignation.[3] The latter contingency occurred on his promotion to the Bishoprick of Ely and Robert

[1] Godwin, de Præsul. 130. 269.; Wood's Ath. Oxon. (1815), ii. 683.; Holinshed, iii. 404. &c.; Turner's England, iv. 109. 135.; Hutchins's Dorset, i. 478.

[2] Burke's Ext. Baronet. 373.

[3] Pat. 17 Edw. IV., p. 2. m. 12.

took possession of the office, by a new patent, on January 9, 1479. He also succeeded his uncle in the Archdeaconry of Winchester in the same year; and that of Gloucester was certainly at one time in his possession, although Le Neve does not insert his name as holding it, since it is one of the *aliases* by which he is described in the charter of general pardon, which he obtained just before his death.

During the four remaining years of the reign of Edward IV., and the few weeks of which that of Edward V. consisted, Robert Morton preserved his place; but no sooner had his uncle, then Bishop of Ely, become suspected of implication in the Duke of Buckingham's conspiracy against Richard, than his supposed crime was visited upon Robert, who was at once superseded by Thomas Barowe, on September 22, 1483.

The Robert Morton who was autumn reader of Lincoln's Inn [1] in the following year, was probably another nephew of the archbishop, whose will mentions more than one of that name.

On the termination of the usurper's short career, Thomas Barowe retired from the mastership of the Rolls, as an intruder, and Robert Morton was of course re-instated. He was named as one of the commissioners to perform the office of steward at Henry's coronation [2]; and he seems to have been otherwise actively employed in the king's affairs, since that is stated to be the reason why his request to have a partner in his office of master of the Rolls was complied with. He and William Eliot accordingly received a joint appointment for their lives and that of the longest liver, by patent dated November 13, 1485.[3] On October 16 in the following year he was advanced by papal provision to the Bishoprick of Worcester, in the room of Bishop Alcock, who had succeeded his uncle as Bishop of Ely.

[1] Dugdale's Orig. 249.

[2] Rymer, xii. 277.

[3] Pat. 1 Hen. VII., p. 4. m. 3.

His consecration took place in February; and, having then resigned the mastership of the Rolls, for the next ten years he performed the duties of his prelacy in a quiet and unobtrusive manner. He died (between three and four years before his uncle) in the first week of May, 1497, and was buried in the nave of St. Paul's cathedral.

It is curious, that about six weeks before his death he deemed it necessary to obtain a charter of general pardon for all offences he had in any way committed.[1] This was, no doubt, applied for by the cautious recommendation of the archbishop, for the purpose of securing the property of his dying nephew from those extortions to which too many in that reign were compelled to submit, under the pretence of breaches of unrepealed but obsolete laws, the power of enforcing which had been revived by a statute of the preceding year.[2]

NEELE, RICHARD.

JUST. C. P. 1485.

See under the Reigns of Henry VI., Edward IV., Edward V., and Richard III.

RICHARD NEELE was buried at Prestwould in Leicestershire; and on his tomb he is described as lord of that manor. Whether this was hereditary or purchased property, does not appear.

He was a member of Gray's Inn, whence he was called serjeant in Michaelmas, 1463, 3 Edward IV.[3]; and it is not till then that his name occurs in the Year Books. That he had previously received some grant from the king, for his life, is evidenced by its being exempted, without description, from the operation of the act of resumption passed in the first year of the reign.[4] He was made king's serjeant in 4 Edward

[1] Rymer, xii. 648.
[2] Godwin, de Præsul. 467.; Le Neve, 290. 298.; Stat. of Realm, iii. 3.
[3] Y. B. 3 Edw. IV., fo. 12. b.
[4] Rot. Parl. v. 475.

IV.; and his first elevation to the judicial ermine was on the restoration of Henry VI., when he was added to the other judges of the King's Bench on October 9, 1470. Edward IV., on his return, did not degrade him, but removed him into the court of Common Pleas on May 29, 1471, where he remained through the short reigns of Edward V. and Richard III., and for the first ten months of that of Henry VII., having thus administered the law under five kings. His death is noticed in the Year Book of 1 Henry VII. (fo. 25. b.), as occurring on "Josdy prochein apres le Feast de Saint Barnabe" (June 11). By the arms upon his tomb in Prestwould church, in which he is represented in a gown and coif, it would appear that his wife was Isabella, daughter of —— Butler, of Warrington in Lancashire. By her he left two sons.[1]

READ, ROBERT.

JUST. K. B. 1495. CH. C. P. 1507.

See under the Reign of Henry VIII.

RICHMOND, ARCHDEACON OF. *See* J. BLYTH.

ROCHE, THOMAS.

B. E. 1487.

ROCHE is an Irish name; but to what family this Thomas Roche belonged is not ascertained. All that is known of him as, indeed, of many of his brethren of the court, is that he was appointed fourth baron of the Exchequer in Michaelmas, 3 Henry VII., 1487. He probably retained his place till 1504, as in that year John Alleyn became fourth baron.[2]

ROCHESTER, BISHOP OF. *See* J. ALCOCK.

[1] Gough's Monum. vol. ii. 294.

[2] Exch. Books; Dugdale.

ROUCLIFFE, BRYAN.

B. E. 1485.

See under the Reigns of Henry VI., Edward IV., Edward V., and Richard III.

THE manor of Colthorpe in Yorkshire seems to have come to Bryan Roucliffe, or Rocliffe (for he spells his name both ways), from John Burgh of Colthorp; for in 1441-2, 20 Henry VI., the exemplification of the latter's will and of a decree in Chancery confirms that property to Bryan Roucliffe.[1] Nothing remains to show his early professional career; for his name does not appear as an advocate in the Year Books. But there is a letter from him to Sir William Plumpton[2], who had been sheriff of Yorkshire, which plainly shows that he was conversant with the practice of the Court of Exchequer, with reference to the passing of the accounts of those officers; and as he states that he has "labored a felaw of mine to be your attorney in the Court, *for I may nought be but of Counsel,*" it may be presumed that at that time he either held an office in the Exchequer too high to appear for a sheriff, and had therefore employed a junior officer, "a felaw of mine," to act for the knight, or that he practised as an advocate there.

He was constituted third baron of the Exchequer on November 2, 1458, 37 Henry VI., and was reappointed when Edward IV. assumed the crown in 1461. In 1463 he entered into a contract with Sir William Plumpton, in which he is called "Brian Roucliffe of Colthorp, *gent.*, third baron, &c.," by which Joan, Sir William's granddaughter, then only four years old, is placed under his government, to the intent that John his son and heir shall marry her. The union took place, and led to a long litigation after the death of the knight, who seems to have been an un-

[1] Cal. Rot. Pat. 284. 321.

[2] Plumpton Corresp. 2. 259.

principled character, between John Roucliffe and a son of Sir William by a subsequent marriage. Both before and after this contract the correspondence between Sir William and the baron, as well as the fact of his being only designated "gent.," bears strong evidence that a baron of the Exchequer did not then hold the same prominent position as the judges of the two other courts, and clearly proves that he acted in the pecuniary and legal transactions of Sir William in a manner which is inconsistent with the habits of a judicial dignitary.[1]

The restoration of Henry VI. in 1470, and the return of Edward IV. in the next year, made no difference in the place which Roucliffe occupied in the court, nor was he advanced till the accession of Richard III., when, on June 26, 1483, he was promoted to the office of second baron. In this he was continued by Henry VII., under whom he acted for nearly nine years.

He died on March 4, 1494, and was buried in the church of Colthorpe, or Cowthorp, which was built by him, and consecrated in 1458. On a flat stone in the choir are effigies of him and his lady, bearing between them a model of this church.[2]

SALISBURY, BISHOP OF. *See* J. BLYTH, H. DENE.

STARKEY, HUMPHREY.

CH. B. E. *and* JUST. C. P. 1485.

See under the Reigns of Edward V. and Richard III.

THE Starkeys of Oulton and Wrenbury in Cheshire, from whom Sir Humphrey Starkey descended, were a branch of the Starkeys of Nether Hall in Stretton in that county, a very ancient family. Sir Humphrey, having purchased the manor of Littlehall in the parish of Woldham in Kent, gave

[1] Plumpton Corresp. lxxi. 5, 6, 7. 12.

[2] Ibid. 8. note; Dugdale's Chron. Series; Cal. Rot. Pat. 300. 316.

it his own name, and built there a good house still standing, and a handsome chapel, very little of which remains.

The Inner Temple was the place of his legal studies; and the first instance of his forensic employment recorded in the Year Books, is in Hilary Term, 32 Henry VI., 1454. In the eleventh year of the following reign, 1471, he succeeded Thomas Urswike as recorder of London; and the Year Books notice his appearance in court in that character as late as 1483, when he resigned the office on being raised to the bench at Westminster. Before that event happened, he was called serjeant in Trinity Term, 1478.[1] His appointment as chief baron of the Exchequer, in the place of Sir William Nottingham, is dated June 15, 1483, only ten days before the dethronement of Edward V., so that he was obliged to have a new patent from the usurper, which he received on the 26th of the same month, having previously been knighted. Although Dugdale does not introduce him among the justices of the Common Pleas in the reign of Richard III., it is certain that he held both appointments, as several of his predecessors had done, and it is probable that his patent for the latter bore even date with that for the former. Two fines levied before the judges of the Common Pleas in the first and second years of the reign are referred to in the Rolls of Parliament; and his name appears in each of them.[2] On the accession of Henry VII., his patents for both places were renewed on the same day.

Fuller, in the "Worthies of Cheshire," supposes that he continued in office for the remainder of that reign; but it is evident that he died early in the second year of it. He is not mentioned in the Year Books after Easter, 1 Henry VII., 1486; his last fine is at Midsummer in that year[3]; and William Hody was appointed his successor as chief baron on

[1] Y. B. 18 Edw. IV., fo. 11.

[2] Rot. Parl. vi. 332. 341.

[3] Dugdale's Orig. 47.; Chron. Series.

October 29. He was buried in St. Leonard's, Shoreditch, with his wife, whose name was Isabella. They left no male issue; and their four daughters, Catherine, Elizabeth, Emma, and Anne, divided the inheritance.[1]

SULYARD, JOHN.

JUST. K. B. 1485.

See under the Reign of Richard III.

JOHN SULYARD was of Wetherden in Suffolk, and was the son of John Sulyard, Esq., and Alice the daughter of Sir John Barington. Selecting the law as his profession, he studied it at Lincoln's Inn. The name of Sulyard appears in the Year Books as an advocate from 1459; and a John Sulyard was first appointed a governor of Lincoln's Inn in that year, reader there in 1465, and duplex reader five years afterwards. In 1477, another period of seven years having elapsed, a John Sulyard is again reader; and as it was in that year that the judge received his summons to take the degree of the coif, it might be on that account that he was called upon to read a third time.[2] It is possible, however, as the interval between the first and last of these dates is so great, that the earlier may apply to the father, and the later only to the judge; for it seems extraordinary that, having acquired sufficient eminence to be placed in such honourable posts in his inn of Court, his advance in the law should have been so long delayed.

In May, 1483, during the short reign of Edward V., he was united with Chief Justice Bryan to go the Home circuit[3], serjeants being then, as well as now, joined in the commission. In the second year of the reign of Richard III.,

[1] Hasted's Kent, iv. 404.; Burke's Landed Gentry, 1291.; Morant's Essex, i. 161.

[2] Dugdale's Orig. 249. 257.

[3] 9 Report Pub. Rec., App. ii. l.

October 22, 1484, he was raised to the office of justice of the King's Bench on the death of William Jenney, and, with the other judges, was reappointed on the accession of Henry VII. in the following year.

That king named him, on November 10, 1487, as one of the commissioners to execute the office of steward at the coronation of Queen Elizabeth[1], a ceremony which he did not survive above four months. He died on March 18, 1488, and was buried in Wetherden church.[2]

He had two wives. His first was Anne, daughter and heir of —— Hungate; and his second was Anne, daughter and co-heir of John Andrewes, of Baylam in Suffolk. She survived him, and afterwards became the wife of Sir Thomas Bansher, knight. By both marriages he had several children. Sir William Sulyard, who was a person of great repute in the law and one of the governors of Lincoln's Inn in 23 Henry VIII., was his grandson; and his descendants were flourishing at the beginning of the last century.[3]

SURREY, Archdeacon of. *See* C. Bainbridge.

TOWNSHEND, ROGER.

Just. C. P. 1485.

See under the Reign of Richard III.

The family of Townshend was established at Rainham in Norfolk so early as the reign of the first Henry. Roger was the only son of John Townshend of that place, by Joan, daughter and heir of Sir Robert Lunsford of Rumford in Essex, and of Battle in Sussex. He studied the law at

[1] Rymer, xii. 328.

[2] Weever, p. 780., erroneously dates his death in 1506. Thomas Bond, Esq., to whom I owe many obligations, has enabled me to refer to the probate of his will in the Prerogative Office, which is dated June 11, 1488, and to the inquisition on his death (in the Rolls' chapel), on the 20th of October following.

[3] Morant's Essex, i. 42.; Grandeur of the Law (1684).

Lincoln's Inn, of which society he was elected a governor in 1 Edward IV., 1461, Lent reader in 1468, and double reader in 1474.[1] His name does not occur in the Year Books as an advocate till Hilary, 1465, after which the frequency of his arguments shows his estimation in the courts. In 1472, the year after the final exclusion of Henry VI. from the throne, he represented the borough of Calne in parliament; but, notwithstanding his eminence as a lawyer, he was not called to the degree of the coif till October, 1477. In the last week of the short reign of Edward V. he was appointed one of the king's serjeants, his patent being dated June 22, 1483[2]; and in the only Chancery case of that reign, which must have been heard about that day, he is reported as acting in that character.[3] His patent was of course renewed in the following week by Richard III., by whom he was made a judge of the Common Pleas previous to January 29, 1484, in his second year, since on that day he was the first named in the commission of assize for the Northern circuit.[4] Although he was thus evidently patronised by the usurper, it was the policy of Henry VII., on his accession, to make no changes in the administration of justice, so that he was not only retained on the bench, but received the order of knighthood previous to the coronation.

According to Dugdale, the last fine acknowledged before him is dated at Midsummer, 1493[5], and the genealogists have generally placed his death in that year (probably on that account); but the Year Books contain ample evidence that he continued to sit in the court for every subsequent year till Michaelmas 1500, after which his name disappears. A monument, which Weever supposes to be his, is in Rainham church; but its inscription is obliterated.[6]

[1] Dugdale's Orig. 249. 257. [2] Rymer, xii. 186.
[3] Y. B. 1 Edw. V. fo. 6. [4] 9 Report. Pub. Rec. App. ii. 58.

Sir Roger married Anne, daughter and co-heir of Sir William de Brewse of Wenham Hall in Suffolk. By her he left four daughters and six sons. From the second son, John (the eldest, Roger, dying without issue), descended a line which was long distinguished in arms and in council. The representative of the family in the fifth generation from the judge was in 1617 honoured with a baronetcy; and his son, for his services at the restoration of Charles II., was raised to the peerage in 1661, as Baron Townshend of Lyme Regis, to which was added in 1682 the title of Viscount Townshend of Raynham. Two grandsons (through younger sons) of the second viscount, were ennobled in the next century: one in 1783 as Baron, and in 1789 as Viscount, Sydney of Chiselhurst, Kent; and the other in 1797 as Baron Foxley of Foxley in Berkshire. All these titles still remain in their respective representatives; to that of Viscount Townshend having been added the Earldom of Leicester in 1784, and the Marquisate of Townshend in 1787.[1]

TREMAYLE, THOMAS.

Just. K. B. 1488.

Thomas Tremayle was descended from a family seated at Sand, in Sidbury in Devonshire. He was a member of the Middle Temple; and the Year Book dates his appearance in court from Easter, 12 Edward IV., 1472; he took the degree of the coif in Trinity Term, 1478, and was made king's serjeant on November 26, 1481. During the short reign of Edward V. he was united with Judge William Jenney in the commission of assize on the Oxford circuit. His promotion as a justice of the King's Bench took place on July 16, 1488, 3 Henry VII.; and there is evidence, in Keilwey's Reports of his acting as late as Hilary Term, 1507.[2]

[1] Collins's Peerage, ii. 454.; Nicolas's Synopsis.

[2] Risdon's Devon, 34.; 9 Report Pub. Rec., App. ii. 2.; Dugdale

VAVASOUR, JOHN.

JUST. C. P. 1490.

THE family of Vavasour, of which two members have already been noticed in the reigns of Richard I. and Edward I., was divided into so many branches, that it is difficult to decide to which of them this John Vavasour belongs, as the genealogists, though they have mentioned several of that Christian name about the period, have not designated any one of them as the judge. It seems probable that he was a younger son of Vavasour of Haselwood.

That he was a member of the Inner Temple is proved by his being so described when he was called serjeant [1]; and it is clear that the John Vavasour who was reader of the Middle Temple in 17 Henry VII., 1502 [2] (though noted by Dugdale as afterwards made a judge), was a different person, since the judge had been raised to the bench twelve years before. His first employment in court that is recorded in the Year Books is in Trinity Term, 1467. His summons to assume the degree of the coif is dated in October, 1477; and his investment took place in Trinity Term, 1478, 18 Edward IV. In the last fortnight of the reign of Edward V., he was appointed one of the king's serjeants, his patent for which was renewed both by Richard III. and Henry VII.

In the first year of Henry's reign, it happened that Miles Metcalfe, the recorder of York, died, when, in opposition to the king's recommendation of Thomas Middelton, and to the Earl of Northumberland's in favour of Richard Greene, the corporation thought fit to exercise their privilege of naming their own officer; and accordingly their election fell on Mr. Serjeant Vavasour. This disregard to the king's wishes did not prevent him from visiting that city in April, 1486, when he was welcomed in a speech by the newly-made

[1] Y. B. 18 Edw. IV., fo. 10.

[2] Dugdale's Orig. 215.

recorder, who in the following year had a further opportunity of ingratiating himself with the monarch, by being the bearer of important despatches from the corporation, with regard to the junction of the Earl of Lincoln in Lambert Symnell's rebellion. He soon after received the honour of knighthood, which appears by a letter from the corporation of York, dated June 23, 1488, addressed to "Sir John Vavasour, one of the kinge's serjeantes at the lawe, and recorder of the city of York."[1]

It was not long before his loyalty, or his talent, was rewarded with a seat on the bench. On August 14, 1490, he succeeded John Haugh as a justice of the Common Pleas.

From a memorial dated in 20 Henry VII., it is much to be feared that he was one of those who were influenced by the infamous Sir Richard Empson to pervert the course of justice, in a lawsuit which the latter had instigated against Sir Robert Plumpton.[2]

The last fine levied before the judge was in Michaelmas, 1506, soon after which the date of his death may be fixed.[3]

WARHAM, WILLIAM, Archdeacon of Huntingdon, Bishop of London, Archbishop of Canterbury.

M. R. 1494. Keeper, 1502. Lord Chanc. 1504.

See under the Reign of Henry VIII.

WESTBY, BARTHOLOMEW.

B. E. 1501.

See under the Reign of Henry VIII.

[1] Gent's Mag. May, 1851, pp. 479-483., Nov. 1851, p. 461.; Paper by Robert Davies, Esq., F.S.A. in "Proceedings of Arch. Inst. at York, 1846."

[2] Plumpton Corresp. cxvii.

[3] Dugdale's Orig. 47.; Chron. Ser.

WILLIAM, DAVID.

M. R. 1487.

DUGDALE introduces David William as master of the Rolls on November 26, 3 Henry VII., 1487. But among the accounts of the keepers of the House of Converts, now remaining in the records of the kingdom, those of David William commence in the second year of that reign, and refer to his appointment on February 22, 1487.[1] As that office was then always held in conjunction with the mastership of the Rolls, it is thus evident that he immediately succeeded on Robert Morton's being consecrated Bishop of Worcester in that month, and that William Eliot, who had been shortly before made official partner with the bishop, was entirely set aside. David William held the first place among the receivers of petitions in the parliament that met on November 9, 1487, and again in the following year; but in that of of October 17, 1491, he was absent.[2] It is not unlikely that this was occasioned by an illness which terminated in his death before May 5, 1492, the date of the patent of John Blyth, his successor.

His name seems to show that he was a native of Wales, which may perhaps account for his advancement by King Henry.

WINCHESTER, ARCHDEACONS OF. *See* J. MORTON, R. MORTON.

WINDSOR, DEAN OF. *See* C. BAINBRIDGE.

WOOD, THOMAS.

JUST. C. P. 1495. CH. C. P. 1500.

HALL O' WOOD, in Balterley, Cheshire, which according to Lysons is said to have been built by Chief Justice Thomas

[1] See antè, p. 6. note.

[2] Rot. Parl. xii. 385. 409.

Wood, was the seat of the family for many generations[1]; but whether he was the purchaser or inheritor of the estate is not mentioned.

His appearance in court as an advocate is first noticed in the Year Book of Trinity Term, 17 Edward IV. 1477; and he was included in the first call of serjeants by Henry VII. in 1485. He received a patent as king's serjeant on June 3, 1488, and was elevated to the bench as a judge of the Common Pleas on November 24, 1495. After sitting in that court for about five years, he was advanced to its head, as the successor of Sir Thomas Bryan, on October 28, 1500; and presided there till his death, which occurred within two years, in the vacation between Trinity and Michaelmas Terms, 1502.[2]

He married a daughter of Sir Thomas de la More, and had issue Elizabeth, who became the wife of Sir Thomas Stewkley of Aston in Devonshire.[3] Sir Henry Wood of Lowdham Hall in Suffolk is stated by H. Phillipps to have been his descendant in 1684.[4]

Hall o' Wood, which according to other authorities was built by George Wood, Judge of Chester in 1557, about two centuries ago passed to a branch of the old Cheshire family of Kelsall, which became extinct in 1802.[5] It is now occupied as a farm house.[6]

WORCESTER, Bishops of. *See* J. Alcock, R. Morton.

YONGE, JOHN, Dean of York.

M. R. 1508.

See under the Reign of Henry VIII.

YORK, Archbishop of. *See* C. Bainbridge.

YORK, Deans of. *See* C. Bainbridge, J. Yonge.

[1] Lysons's Cheshire, 501.
[2] Keilwey's Reports, 46.; Dugdale.
[3] Berry, Hants Visit, 71.
[4] Grandeur of the Law (1684).
[5] Barthomley, 166.
[6] Ex. inf. T. W. Jones, Esq., of Nantwich.

HENRY VIII.

Reigned 37 years, 9 months, and 6 days; from April 22, 1509, to January, 28, 1547.

SURVEY OF THE REIGN.

THE reign of Henry VIII. may be divided into two periods, the partition between them being the announcement of the scruples which the king pretended to entertain as to the legality of his union with Catherine of Arragon. During the earlier portion, the country flourished in comparative happiness, and the customary progress of the law was unimpeded by any extraordinary event. But when the wishes of the self-willed monarch were resisted and delayed by lengthened impediments, when he found his motives discussed by the people, his arguments disputed by the learned, and his divorce ultimately refused by the pope, his temper became soured, and, no longer checking the natural vindictiveness of his disposition, he not only sacrificed all those whom he suspected of differing from him, but, in his determination to put an end to the papal power, and at the same time to preserve the Catholic religion, he caused laws to be enacted of so cruel and atrocious a character, that it might well be said that if any of his conscientious subjects could avoid being burned for heresy, they could not well escape suffering the penalties of treason. The natural result was, that the people were over-awed, and, from a fear of the consequences, concealed their feelings; while the great men in the court, instead of courageously interposing, encouraged the despot in

his heartless course, and seemed to adopt his opinions as their own. Neither were the judges of the land wholly free from censure; for, though they might perhaps excuse themselves by insisting that they were not the makers of the laws, but were bound to administer those that were enacted, there is too much reason to believe that they pressed convictions less from a feeling of the guilt of the accused, than from a desire to conform themselves to the will of the sovereign,—a practice, now commenced, which for some time too frequently degraded the bench.

A new court, called the "Court of Wards," was established in the thirty-second year of this reign, for the purpose of "better serving" the king with those profits arising from the accidents and incidents of the tenures in chief which had so long formed an important branch of the royal revenue. It probably owed its origin to the frequent complaints against the injustice and partiality of escheators. The principal officer was called "master of the Wards," the second being the king's attorney of the court. In the next session of parliament, in the following year, another act was passed, uniting the management of the Liveries of Land to the Court of Wards, which was thenceforward designated by the joint names. This court, however, continued in operation little more than a century, being abolished by statute 12 Charles II., c. 24., which recites that the court and tenures "have been more burthensome, grievous, and prejudicial to the kingdom, than beneficial to the king," and converts the tenures themselves into free and common socage.[1]

It is uncertain whether the "court of Requests" was instituted in this or the preceding reign. It was something similar to the Court of Chancery, but for matters of minor

[1] 12 Report, Pub. Rec., p. 7.; St. 32 Hen. VIII., c. 46.; 33 Hen. VIII., c. 22.

importance. Thus, a bill of this court has been lately found, praying for the recovery of a curious volume containing many ancient laws, which the petitioner says "he verely thykethe, wythout the said booke, be nat to be seen nor redd." This book the petitioner had lent to an Irish student of the Inner Temple, who soon afterwards died; and the bill prayed restitution from another Irishman, who had seized the student's property, and taken the book to Ireland.[1] The court having assumed too great powers, and been found to be burdensome to the people, was dissolved by st. 16 and 17 Charles I., c. 10.

Another Court, called the "Court of Augmentations," was established in this reign, to secure to the king the *augmentation* of the royal revenues arising from the suppression of the religious houses, and was confined to questions relating to the lands which had formerly belonged to them. The early habits of our ancestors are shown by an account now preserved in the Chapter House, which concludes by a statement of the intention of the auditor of this court to proceed as to the arrears "within myne offyce to-morrow at six of the clocke in the mornyng."

Henry VIII. made an alteration in Trinity Term. It was shortened, according to the preamble of the statute, on account, not only of the great peril and danger of infection of the plague, and sundry other sicknesses prevalent at that season of the year, but also of the great impediment to the people in getting in the harvest. The real object seems, however, to have been to fix the commencement and end of the term with more certainty than before. The full term was now directed to begin on Friday next after Corpus Christi (the Friday after Trinity Sunday,) which was two days earlier than the term had been before held; but it was shortened by the substitution of one return, Tres Trinitatis,

[1] Kindly communicated by Joseph Burtt, Esq., of the Chapter House.

for the three last returns, the Crastino, Octabis, and Quindena Sancti Johannis, which it formerly included.[1]

Lord Chancellors and Keepers.

In this reign there were five lord chancellors, two of whom received in the first instance the title of lord keeper only. The two chancellors of the first twenty-one years were ecclesiastics, and the three of the last seventeen years were laymen of the legal profession.

William Warham, Archbishop of Canterbury, lord chancellor at the close of the last reign, received the Great Seal on the accession of Henry VIII., and retained it for nearly seven years.

Thomas Wolsey, Archbishop of York, succeeded him on December 22, 1515[2], and presided over the court little short of fourteen years.

On June 11, 1529, four months previous to his disgrace, a commission issued to twenty persons, assigning them, or four of them, to hear causes in Chancery in aid of the cardinal.[3] The commissioners consisted of John Taylor, master of the Rolls, Chief Baron Lyster, Justice Fitz-Herbert, Baron Scott, and six others who were no doubt masters in Chancery; and of these ten two were always to sit. The other ten seem to have been eminent counsel, probably practising in that court, several of whom became afterwards serjeants and judges.

Sir Thomas More was made lord chancellor on October 25, 1529[4]; but after holding the office for about two years and a half, he resigned it, and the Great Seal was given to

[1] Origin of Terms, Reliq. Spelman. 87.; St. 32 Hen. VIII., c. 21.
[2] Rot. Claus. 7 Hen. VIII., m. 1.
[3] Rymer, xiv. 299.
[4] Rot. Claus. 21 Hen. VIII., n. 18. m. 19.

SIR THOMAS AUDLEY on May 20, 1532, with the title of lord keeper, which however, on January 26, 1533, was changed to that of lord chancellor.[1] He held the Seal about twelve years (during which he was created Lord Audley), resigning it only eight days before his death.

THOMAS WRIOTHESLEY, LORD WRIOTHESLEY, received the Seal on April 22, 1544, as keeper, to hold during Lord Audley's infirmity; but that nobleman dying on April 30, Lord Wriothesley was made lord chancellor on May 3[2], and continued so till the king's death on January 20, 1547.

Soon after Lord Chancellor Wriothesley came into office, a commission, dated October 17, 1544, was issued, appointing Robert Southwell the master of the Rolls, and three of the masters in Chancery, to hear causes in the absence of the chancellor, and directing that their decrees and orders should have the same force as his, he signing them before enrolment.[3]

The practice of hearing causes at the chancellor's own residence was not uncommon in this reign: it is familiarly spoken of in Roper's life of Sir Thomas More; and Dyer mentions that a motion was made before Lord Chancellor Audley at his house in Cannon Row, in Michaelmas Term, 35 Henry VIII.[4]

The following entry in Sir Thomas Le Strange's household accounts shows that bribery still continued to be exercised in the prosecution of legal proceedings: —

"Itm p[d]. the xij[th] day of Novembre [1537] at Mr. Southwells commandm[t]. to Mr. Fletewod my Lord Chūncellors [Audley] sv̄nt to be a meane to my scide Lorde for yo[r] subpena at Wadhouse sute, x[s]."[5]

And if this Mr. Southwell was the future master of

[1] Rot. Claus. 24 Hen. VIII., n. 16. m. 24.
[2] Ibid. 36 Hen. VIII., p. 1. n. 3.
[3] Rymer, xv. 58.
[4] Dyer's Reports, 58.
[5] Archæologia, xxv. 512.

the Rolls, it may be inferred that the practice was not uncommon.

No material change had taken place in the designs or inscriptions on the Great Seal since the reign of Henry VI.; but King Henry VIII., on a new seal which he delivered to the chancellor on September 24, 1532, introduced the title of "Defender of the Faith," which had been conferred upon him eleven years before. The reason for having a new seal is stated on the record to be, that the letters and figures on the old one were almost rubbed out and consumed. In 1541 also he had another seal, on which his new titles of "King of Ireland" and "Head of the Church" were introduced.[1] In the oath administered to Lord Wriothesley, the words "Brode Seal" are used.

The purse in which the Great Seal was carried, and which hitherto seems to have been of a very simple character, received in this reign very considerable additions. In the earlier times no purse whatever is mentioned, the Seal being placed in the wardrobe when not in actual use. The first allusion to a purse is in 1 Edward II., when the words "in quadam bursa rubea" are used, being the only time during that reign; but as the Seal is always described as being kept under the seals of the chancellor, or keeper, or some other persons, it is clear that it had some cover. This cover in 1 Edward III. is called "in quodam panno lineo," followed in the next year by "in quadam bursa." This is changed in 11 Edward III. to "in quadam baga," and in the following year to "bursa rubea." Two years afterwards the linen covering again appears: "in quadam pecia telæ lineæ." The colour is next altered to "bursa alba;" and then the material, "bursa de corio," "bursa albi corii" "baga de corio." We then find, in 35 Henry VI., that one of the three Seals is "in baga

[1] Rymer, xiv. 439.; Archæol. Journ. ii. 35.

de nigro corio," and the other two "in bagis de albo corio;" and three years afterwards all the three bags are white. So it went on till the reign of Henry VIII., in the seventh year of which Cardinal Wolsey received the Seal "in baga de albo corio;" but the description was very different when he gave it up on October 17, 1529, 21 Henry VIII.

To the cardinal's ostentatious magnificence we owe the splendour of the modern receptacle of the Great Seal. Though the old "baga de albo corio" was retained, we find it placed "in quadam alia baga sive teca de veluto crimisino desuper armis et insigniis Angliæ ornata." This description is varied in the next and succeeding reigns according to the taste of the writer of the record. In 38 Eliz. we have "in crumenam holoscericam rubeam cum serenissime Regine Majestatis insignibus segmentatam;" in 1 James I., "in quendam sacculum velvetti rubei insigniis regis decoratum more assueto," expressions which are improved, in the sixteenth year of that king's reign, to "alio jam marsupio auro serico et regiis insignibus affabre intexto."

To Cardinal Wolsey's love of processional pageantry also, we may probably trace the modern practice of carrying a silver gilt mace before the lord chancellor, though it may be doubtful whether it was carried before Wolsey in that character, or solely as legate and cardinal.

MASTERS OF THE ROLLS.

Of the eight masters of the rolls in this reign, the first five were ecclesiastics, two of whom were advanced to the prelacy, and the last three were laymen, one of whom only was educated as a lawyer.

JOHN YONGE, afterwards Dean of York, the master of the Rolls at the close of the last reign, was continued in his office till his death.

CUTHBERT TUNSTALL, afterwards Bishop of London and Durham, succeeded him on May 12, 1516, 8 Henry VIII.[1], and retained the place for six years and a half. Soon after his elevation to the episcopal bench,

JOHN CLERK received the appointment, his patent being dated October 20, 1522.[1] In rather less than a year he vacated it, in consequence of his election as Bishop of Bath and Wells, and

THOMAS HANNIBAL, chancellor of the church of Worcester became his successor on October 9, 1523.[1] His tenure of office was about three years and eight months, when, on his resignation,

JOHN TAYLOR, Archdeacon of Buckingham, was made master on June 26, 1527.[2] After seven years he vacated his patent, and

THOMAS CROMWELL was promoted to the office on October 8, 1534[3], but held it less than two years,

CHRISTOPHER HALES, then attorney-general, succeeding him on July 10, 1536[4], and performing its duties till his death five years afterwards.

ROBERT SOUTHWELL was appointed on July 1, 1541[5], and occupied the seat for the remaining five years and a half of the king's reign.

We have noticed two commissions to hear causes in aid of the chancellor, the master of the Rolls being at the head of both of them; but we have no instance of bills being addressed to them in that character. The first of these commissions comprehended three other judges, and several other persons; the last gave power to the master of the Rolls and three masters in Chancery only.

To the old title of custos or clericus Rotulorum, that of magister was now added. The first instance found of its

[1] Dugdale's Chron. Series.
[2] Rot. Pat. 19 Hen. VIII., p. 2.
[3] Pat. 26 Hen. VIII., p. 2.
[4] Pat. 28 Hen. VIII., p. 2. m. 24.
[5] Pat. 33 Hen. VIII., p. 1. m. 28.

use, is in the grant of the temporalities of the see of London to Cuthbert Tunstall in February 1522.[1] In this reign, also, it was not unusual for the master of the Rolls not only to be addressed, but to be described in records, as vice chancellor of England.[2]

MASTERS IN CHANCERY.

From this period the ranks of the masters in Chancery were frequently filled from among the advocates practising in the court of Arches, who, about the beginning of this reign, formed a society with a community of board. It is uncertain in what particular spot this voluntary incorporation was domiciled for the first fifty or sixty years; but in 1568 it procured the site which then received, as it now retains, the appellation of Doctors' Commons. The society was eventually incorporated by charter, in 1768. One of its members in 1804 published a "Catalogue of English Civilians," from the registry of the house commencing in 1512, from which considerable aid has been derived in the compilation of the following list.

John Yonge, M. R.	1 to 8 Henry VIII.	
William Throgmarton	7 to 21	—
Cuthbert Tunstall, M. R.	8 to 14	—
John Taylor (M. R. from 19 Hen. VIII.)	1 to 26	—
John Clerke, M. R.	14–15	—
Thomas Hannibal, M. R.	15 to 19	—
Richard Wolman, LL.D., Dean of Wells	21 to 28	—
Roger Lupton, clerk	21	—
Edward Hygons, clerk	21	—
Rowland Lee, Bishop of Lichfield and Coventry	21 to 25	—
Thomas Newman, clerk	21 to 24	—
Thomas Cromwell, M. R.	26 to 28	—
Christopher Hales, M. R.	28 to 33	—
William Peter, LL.D. (afterwards Sir William)	30 to 35	—
Thomas Wetherall	30	—
Richard Layton, LL.D., Dean of York	30	—

[1] Rymer, xiii. 764. [2] Ibid. xiii. 714., xiv. 232.

Edward Carne, LL.D. (afterwards Sir Edward) -	30	Henry VIII.
John London, LL.D., Dean of Oxford - -	30	—
Thomas Legh, LL.D. (afterwards Sir Thomas) -	30 to 36	—
John Tregonwell, LL.D. (afterwards Sir John) -	30 to 38	—
Robert Southwell, M. R. - - - -	33 to 38	—
John Oliver, LL.D., Dean of Christchurch -	36 to 38	—
Anthony Bellasis, LL.D., Archdeacon of Colchester	36 to 38	—
——— Mitchell - - - - -	37–38	—
William Leson, LL.D. - - - -	38	—

The Six Clerks.

In 1523 an act was passed which, after reciting that of old time a custom was used, that all clerks and ministers of Chancery should be unmarried, except the clerk of the crown, but that this custom had been disused by the coursetours and all the other clerks, except the six clerks of the Chancery, enacted that the then being six clerks, and their successors, "may take wyves and marie at their libertie after the lawes of Holy Churche, and that every of them so maried may hold their said office in as ample a manner as they did before the said espousells."[1]

Chief Justices of the King's Bench.

John Fineux, chief justice during fourteen years of the last reign, received a new patent on the accession of Henry VIII., and presided in the court till the seventeenth year.

John Fitz-James, chief baron of the Exchequer, and a puisne judge of this court, succeeded as chief justice on January 23, 1526.

Edward Montagu was appointed to the office on January 21, 1539, 30 Henry VIII., apparently on the resignation of Fitz-James, and retained it nearly seven years, when, on his removal to the presidency of the Common Pleas,

Richard Lyster, the chief baron of the Exchequer, took his place at the head of this court on November 9, 1545, and was still chief justice at the end of the reign.

[1] Statutes of the Realm, iii. 216.

JUDGES OF THE KING'S BENCH.

The sole puisne judge of the King's Bench at the death of Henry VII. was Robert Brudenell, who on the commencement of this reign was removed to the Common Pleas.

I. 1509.	May 21.	Humphrey Coningsby.
XII. 1520.	? April.	John More.
XIII. 1522.	Feb. 6.	John Fitz-James, Ch. B. E.
XXI. 1529.	? Nov.	John Port, vice J. Fitz-James.
XXIV. 1532.	?	John Spelman, vice H. Coningsby.
	Aug. 23.	Walter Luke, vice J. More.
XXXII. 1540.	July 5.	William Coningsby, vice J. Port.
	Nov. 22.	Edmund Mervin, vice W. Coningsby.[1]
XXXVI. 1544.	Nov. 4.	Thomas Bromley, vice J. Spelman.
XXXVIII. 1546.	May 14.	William Portman, vice W. Luke.

The judges of this court were gradually increased from two to four; and these at the end of the reign were

Richard Lyster, chief justice,
Edmund Mervin, Thomas Bromley,
William Portman.

CHIEF JUSTICES OF THE COMMON PLEAS.

ROBERT READ, appointed chief justice of the Common Pleas, recently before the death of Henry VII., had a renewal of his patent at the commencement of this reign. On his decease

JOHN ERNLE was raised from the office of attorney-general to that of chief justice on January 27, 1519, 10 Henry VIII. He died at the end of two years, and

ROBERT BRUDENELL, one of the puisne judges of the court, was placed at its head on April 13, 1521. He presided nearly ten years.

ROBERT NORWICH, another judge of this court, became

[1] In 35 Hen. VIII., 1545, Dugdale, by a mistaken reading of a passage in Dyer's Reports, p. 56., introduces as a judge of this court Robert Brooke, who did not ascend the bench till 1 and 2 Philip and Mary, 1555.

chief justice in January, 1531, and held the office little more than four years.

JOHN BALDWIN, one of the king's serjeants, was appointed to succeed him in April, 1535; and on his resignation after ten years' continuance in office,

EDWARD MONTAGU, chief justice of the King's Bench, was on November 6, 1545, removed to this court as its chief, and remained there till King Henry's death.

JUSTICES OF THE COMMON PLEAS.

On the accession of Henry VIII. the two judges who sat in the Common Pleas at the end of the last reign were continued in their places: viz.

I. 1509.	April.	John Fisher, and John Boteler: to these were added Robert Brudenell, removed from the King's Bench, and William Fairfax.
	May 21.	William Grevill, vice J. Fisher.
V. 1513.	April 26.	Richard Eliot, vice W. Grevill.
VI. 1514.	May 29.	Lewis Pollard, vice W. Fairfax.
IX. 1518.	Jan.	John More, vice J. Boteler.
XII. 1520.	April.	Richard Broke, vice? J. More.
XIV. 1522.	April.	Anthony Fitz-Herbert, vice R. Eliot.
XVIII. 1526.	?	Thomas Englefield, vice L. Pollard.
	?	William Shelley.
XXII. 1530.	Nov. 22.	Robert Norwich, vice R. Broke.
XXIX. 1537.	Oct. 9.	Thomas Willoughby, vice T. Englefield.
XXX. 1538.	June 30.	Christopher Jenney, vice A. Fitz-Herbert.
XXXIV. 1542.	Nov. 20.	Humphrey Brown, vice C. Jenney.
XXXVII. 1445.	Nov. 4.	John Hinde, vice T. Willoughby.

The number of judges of the Common Pleas varied during this reign between four and five. At its close the four who sat in the court were

Edward Montagu, chief justice,
William Shelley, Humphrey Brown,
John Hinde.

CHIEF BARONS OF THE EXCHEQUER.

WILLIAM HODY, who had been chief baron for almost the whole of the last reign, was re-appointed by Henry VIII. He sat for nearly four years more, and was succeeded by

JOHN SCOTT on January 8, 1513, 4 Henry VIII., who presided in the court for nine years, when

JOHN FITZ-JAMES was promoted to the place on February 8, 1522, holding at the same time the office of a puisne judge of the King's Bench. On his elevation to be chief justice of the latter court,

RICHARD BROKE, a judge of the Common Pleas, which office he still retained, was made chief baron on January 24, 1526, but presided in the court little more than three years.

RICHARD LYSTER, solicitor- or perhaps attorney-general, succeeded him on May 12, 1529, and sat as chief baron sixteen years, when he was promoted to the chief justiceship of the King's Bench.

ROGER CHOLMLEY became chief baron on November 11, 1545, and held that office on the accession of Edward VI.

BARONS OF THE EXCHEQUER.

The three puisne barons of the Exchequer at the end of the last reign were re-instated on the accession of Henry VIII.: viz.

I.	1509. April.	Bartholomew Westby, second baron. William Bolling, third baron. John Alleyn, fourth baron.
III.	1511. June 26.	Robert Blagge, vice J. Aleyn.
V.	1513 May 6.	Edmund Denny, vice W. Bolling.
XIII.	1521. July 10.	William Wotton, vice B. Westby.
XIV.	1522. Oct. 2.	John Hales, vice? E. Denny.
XV.	1523. ?	William Ellis, vice R. Blagge.
XIX.	1527. Nov.	John Petit, vice? W. Wotton.
	1528. May 15.	John Scott, vice? J. Petit.
XXIV.	1532. Oct. 2.	John Petit, vice J. Scott.

XXVIII.	1536.	April 27.	Thomas Walshe, vice W. Ellis.
XXX.	1538.	Nov.	John Danaster, vice J. Petit.
XXXI.	1539.	Nov.	John Smith, vice J. Hales.
	1540.	April 14.	Nicholas Luke, vice J. Danaster.
XXXIV.	1542.	Aug. 6.	Lewis Fortescue, vice T. Walshe.
XXXVII.	1545.	Nov. 28.	John Pilborough, vice L. Fortescue.

The established number of barons was four; at the conclusion of the reign they were

Roger Cholmley, chief baron,
John Smith, Nicholas Luke,
John Pilborough.

We have in this reign a resumption of the practice, commenced under Henry IV., of uniting a judgeship of one of the other courts to the office of chief baron. It did not, however, universally prevail, two chief barons only having this double duty,—Fitz-James and Broke; the former holding a seat at the same time in the King's bench, and the latter in the Common Pleas.

No advance was yet made in the judicial position of the puisne barons; but by their course of study they were evidently preparing themselves for it. Though most of them, as hitherto, had filled lower offices in the Exchequer before their elevation to the bench, we find that many were entered in inns of Court, and that some arrived at the dignity of readers. None of them were called to the degree of serjeant; and several instances occur of their remaining members of their inns of Court after their advance to the bench, showing therefore that they were not deemed to be within the order of justices; neither were they included in the summonses to parliament, nor privileged, as the judges, to have chaplains. Baron Westby is recorded to have received rather an extraordinary grant for one of his degree, that of a poor knight of Windsor. It is a curious fact, also, that Sir Richard Lyster, when he was made chief baron in 1529, was not a serjeant at law.[1]

[1] Dugdale's Chron. Series, 76. 82.

TABLE OF THE CHANCELLORS AND KEEPERS OF THE SEAL, AND OF THE MASTERS OF THE ROLLS.

A. R.	A.D.	Lord Chancellors and Keepers.	Masters of the Rolls.
1	1509, April	William Warham, Archbishop of Canterbury	John Yonge, Dean of York
7	1515, Dec. 22	Thomas Wolsey, Archbishop of York	—
8	1516, May 12	—	Cuthbert Tunstall, afterwards Bishop of London and Durham
14	1522, Oct. 20	—	John Clerk, Archdeacon of Colchester
15	1523, Oct. 9	—	Thomas Hannibal
19	1527, June 26	—	John Taylor, Archdeacon of Buckingham
21	1529, Oct. 25	Sir Thomas More	—
24	1532, May 20	Sir Thomas Audley, *Keeper*	—
	1533, Jan. 26	*Lord Chanc.*	—
26	1534, Oct. 8	—	Thomas Cromwell
28	1536, July 10	—	Christopher Hales
33	1541, July 1	—	Sir Robert Southwell
36	1544, April 22	Thomas Lord Wriothesley, *Keeper*	—
	1545, May 3	*Lord Chanc.*	—

TABLE OF THE CHIEF JUSTICES AND JUDGES OF THE KING'S BENCH.

A. R.	A. D.	Chief Justices.	Judges of the King's Bench.		
1	1509, April	John Fineux			
	May 21	—	Humphrey Coningsby		
12	1520, ?	—	—	John More	
13	1522, Feb. 6	—	—	—	John Fitz-James,
17	1526, Jan. 23	John Fitz-James	—	—	made Ch. K. B.
21	1529 ? Nov.	—	—	—	John Port
24	1532, ?	—	John Spelman	—	—
	Aug. 23	—	—	Walter Luke	—
30	1539, Jan. 21	Edward Montagu	—	—	—
32	1540, July 5	—	—	—	William Coningsby
	Nov. 22	—	—	—	Edmund Merwin
36	1544, Nov. 4	—	Thomas Bromley	—	—
37	1545, Nov. 9	Richard Lyster	—	—	—
38	1546, May 14	—	—	William Portman	—

TABLE OF THE CHIEF JUSTICES AND JUDGES OF THE COMMON PLEAS.

A. R.	A. D.	CHIEF JUSTICES.	JUDGES OF THE COMMON PLEAS.			
1	1509, April	Robert Read	John Fisher	John Boteler	Robert Brudenell	William Fairfax
	May 21	—	William Grevill	—	—	—
5	1513, April 26	—	Richard Eliot	—	—	Lewis Pollard
6	1514, May 29	—	—	—	—	—
9	1518, Jan.	—	—	John More	—	—
10	1519, Jan. 27	John Ernle	—	—	—	—
12	1520, April	—	—	Richard Broke	—	—
	1521, April 13	Robert Brudenell	—	—	Made Ch. C. P.	—
14	1522, April	—	Anthony Fitz-Herbert	—	—	—
18	1526, ?	—	—	—	William Shelley	Thomas Englefield
22	1530, Nov. 22	—	—	Robert Norwich	—	—
	1531, Feb.	Robert Norwich	—	made Ch. C. P.	—	—
27	1535, April	John Baldwin	—	—	—	—
29	1537, Oct. 9	—	—	—	—	Thomas Willoughby
30	1538, June 30	—	Christopher Jenney	—	—	—
34	1542, Nov. 20	—	Humphrey Brown	—	—	—
37	1545, Nov. 4	—	—	—	—	John Hinde
	„ 6	Edward Montagu	—	—	—	—

TABLE OF THE CHIEF BARONS AND BARONS OF THE EXCHEQUER.

A. R.	A. D.	CHIEF BARONS.	BARONS OF THE EXCHEQUER.		
1	1509, April	William Hody	Bartholomew Westby	William Bolling	John Alleyn
3	1511, June 26	—	—	—	Robert Blagge
4	1513, Jan. 8	John Scott	—	—	—
5	May 6	—	—	Edmund Denny	—
13	1521, July 10	—	William Wotton	—	—
	1522, Feb. 8	John Fitz-James	—	—	—
14	Oct. 2	—	—	John Hales	—
15	1523, ?	—	—	—	William Ellis
17	1526, Jan. 24	Richard Broke	—	—	—
19	1527, Nov.	—	John Petit	—	—
20	1528, May 15	—	John Scott	—	—
21	1529, May 12	Richard Lyster	—	—	—
24	1532, Oct. 2	—	John Petit?	—	—
28	1536, April 27	—	—	—	Thomas Walshe
30	1538, Nov.	—	John Danaster	—	—
31	1539, Nov.	—	—	John Smith	—
	1540, April 14	—	Nicholas Luke	—	—
34	1542, Aug. 6	—	—	—	Lewis Fortescue
37	1545, Nov. 11	Roger Cholmley	—	—	—
	28	—	—	—	John Pilborough

In consequence of the recurrence of plague and pestilence, the courts were often adjourned during this reign. They were held at St. Alban's in 26 Henry VIII., and at Walden in the 35th year.[1] Over the west door of St. Alban's abbey is this inscription:

"Propter vicinii situm, et amplum hujus Templi spatium ad magnam confluentium multitudinem excipiendam opportunum, temporibus R. H. VIII., et denuo R. Elizabethæ, peste Londini sæviente, conventus juridicus hic agebatur."[2]

A convincing proof that the judges were no longer exempt, as in ancient times, from the subsidies and other taxes, is afforded by an account of the sums collected in anticipation of that assessed in 15 Henry VIII. on the justices of both Benches, the barons of the Exchequer, and other officers and ministers of the king. The payments were at the rate of 5*l.* per cent on the estimated value of their incomes, which exhibit a great variety. The chief justice of the King's Bench (Fineux) is charged on 1000 marks; the chief justice of the Common Pleas (Brudenell) on 650 marks, and the chief baron of the Exchequer (Fitz-James) on 400*l.*: of the two justices of the King's Bench, one (H. Coningsby) is charged on 400*l.*, and the other (More) on only half that sum; two of the judges of the Common Pleas (Pollard and Brooke) pay on 500 marks, and the third (A. Fitz-Herbert) on 240*l.*; the three puisne barons of the Exchequer are equally charged on 200*l.* apiece; ten serjeants vary from 250*l.* to 100*l.*, which is the lowest, and the attorney-general (Roper) is placed so high as 500*l.*[3]

In 37 Henry VIII. an inconsiderable increase was made in the salaries of the judges of the courts of King's Bench and Common Pleas, of 20*l.* a year, an additional 10*l.* being given to the chief justice of the King's Bench[4] — scarcely more than

[1] Dyer's Reports, 225.
[2] Notes and Queries, iii. 466.
[3] Certificate at Carlton Ride.
[4] Dugdale's Orig. 110.

sufficient to meet the charge imposed upon them by the above-mentioned subsidy. If the denunciations against the corruption of the judges in the sermons of Latimer and others be, as they no doubt are, well founded, this scanty remuneration by the state, if not intended to encourage them to make up the deficiency by fleecing the suitors, will in some measure account for these shameless practices.

By an act passed in 1529 it is provided that the chancellor of England may have three chaplains, each of whom may purchase licence to have two benefices with cure of souls, and that the master of the Rolls may have two, and the chief justice of the King's Bench one, with the like privilege. Five years afterwards, by another act all the judges of the courts of King's Bench and Common Pleas, the chancellor of the Exchequer, and the chief baron, and also the king's attorney- and solicitor-general were authorised to have a chaplain, each having one benefice on which he need not be resident.[1]

St. 33 Henry VIII., c. 24., after reciting that divers justices and men learned in the law had "for their owne comoditie and ease" evaded the statute of Richard II., prohibiting them from being justices of Assize in the county where they were born, or do inhabit, re-enacts the same with a penalty of 100*l.* for every offence.[2]

ATTORNEY-GENERAL.

I. 1509. April.	John Ernle, the attorney-general of the last reign, continued in the post for the first ten years of this, when he was made chief justice of the Common Pleas.
X. 1519. Jan. 26.	John Fitz-James. Three years afterwards he became chief baron.
XIII. 1522. Feb.	John Roper. He is not mentioned in Dugdale; but his name appears among the legal officers charged with the subsidy in November, 1523.

[1] Statutes of the Realm, iii. 294. 457.

[2] Ibid. 864.

XV.	1524. April 1.	Ralph Swillington.
XVII.	1525. Aug.	? Richard Lyster, the solicitor-general. Though his name is not in Dugdale's list, it is probable he succeeded Swillington, because Christopher Hales succeeded him at this time as solicitor, and was made attorney in June, 1529, close upon the time when Lyster was appointed chief baron. Lyster is also called attorney-general in the will of the Duchess of Dorset, dated in 1527.[1]
XXI.	1529. June 3.	Christopher Hales, the solicitor-general, afterwards made master of the Rolls.
XXVIII.	1535. July 10.	John Baker.
XXXII.	1540. Nov. 8.	William Whorwood, the solicitor-general.
?		William Staundford was attorney-general May 3, 1545.[2]
XXXVII.	1545. June 18.	Henry Bradshaw, the solicitor-general.

John Ernle is mentioned in Keilwey, Mich. 7 Henry VIII., as sitting as a justice of gaol-delivery in Southwark.

SOLICITOR-GENERAL.

No occupant of this office is named till

VI.	1514.	John Port. He was made serjeant in 1521, and in 1533 became a judge of the King's Bench.
XIII.	1521. July 8.	Richard Lyster, probably attorney-general in 1525, afterwards made chief baron.
XVII.	1525. Aug. 14.	Christopher Hales, made attorney-general in 1529.
		No successor is named till
XXIII.	1531.	Baldwin Malet.
XXV.	1533. Oct. 4.	Richard Rich, lord chancellor in the next reign.
XXVII.	1536. April 13.	William Whorwood, made attorney in 1540.
XXXII.	1540. Nov.	Henry Bradshaw, made attorney in 1545.
XXXVII.	1545. June 18.	Edward Griffin.

[1] Testam. Vetust. 634.

[2] Rymer, xv. 69.

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SERJEANTS AT LAW.

The inns of Court, where known, are distinguished by initials, and those who became judges are marked *.

II. 1510.	John Newport,	John Carrell,
	John Newdigate,	—— Brooke,
	Brian Palmys, jun.,	John Roe,
	* Richard Brooke (M.),	* Anthony Fitz-Herbert (?G.),
	Thomas Piggot.	
XII. 1520.	Baldwin Malet, called, but exonerated.	
XIII. 1521.	William Rudhale,	John Brown,
	* John Fitz-James (M.),	* William Shelley,
	* John Port (I.),	* Thomas Willoughby (L.),
	Thomas Fairfax,	* Robert Norwich (L.),
	* John Spelman (G.),	* Thomas Englefield (M.).
XXIII. 1531.	* Humphrey Brown (M.),	* Edmund Mervin,
	* Thomas Audley (I.),	Edmund Knightley,
	* Walter Luke (M.),	* Roger Cholmley,
	* John Baldwin (M.),	* Edward Montagu (M.),
	* John Hinde (G.),	Roger York,
	* Christopher Jenney (L.),	John Pakington.
	John Densell,	
XXXII. 1540.	Thomas Rushedon (L.),	* William Coningsby (I.),
	Robert Townsend (L.),	* William Portman (M.),
	John Harris (L.),	* Edward Saunders,
	* Thomas Bromley (I.),	* James Hales (G.),
	John Carrell (I.),	James Missenden.
	Robert Chidley (I.).	
XXXIV. 1542.	* Edward Molineux.	

A writ was directed in Trinity, 1546, to six other gentlemen to take the degree on the morrow of the Purification, 1547; but the king dying before that day, a new writ was issued, and their names will appear in the next reign.

KING'S SERJEANTS.

I. 1509.	* Lewis Pollard (M.),	* Richard Eliot (M.).
V. 1513.	Guy Palmer (M.),	Thomas Piggot.
VI. 1514.	John Carrell.	
VIII. 1516.	* Anthony Fitz-Herbert (G.).	
XII. 1520.	John Newdigate.	

XIV.	1522.	* Robert Norwich (L.), * Thomas Engleſield (M.).
XX.	1528.	* John Spelman (G.).
XXII.	1530.	* Thomas Willoughby (L.).
XXIII.	1531.	* Thomas Audley (I.), * John Baldwin (M.), John Pakington.
XXVI.	1535.	* John Hinde (G.).
XXVII.	1535.	* Christopher Jenney (L.), * Humphrey Brown (M.).
XXIX.	1537.	* Edward Montagu.
XXX.	1539.	Edmund Mervin.
XXXII.	1540.	* Thomas Bromley (I.), * William Portman (M.).
XXXIV.	1542.	* Edward Molineux.
XXXV.	1543.	Robert Townsend (L.).
XXXVI.	1544.	* Roger Cholmley, * James Hales (G.).
XXXVIII.	1546.	John Harris (L.).

David Lloyd says that Edward Montagu, when he assumed the coif in 1531, gave for his motto, "Æquitas Justitia Norma,"[1] being the second for which there is any authority.

The four calls of serjeants in this reign were made at about ten years' distance from each other in 2, 13, 23, and 32 Henry VIII. It is not known where the feast was held on either of the first two calls; but a long account is given of the manner of the second, which enters into more detail than the form in the last reign. On the Friday before the creation, the new serjeants and the members of the house to which they belonged, after the mutual laudations had been given, went to the place where the serjeants' feast was kept, and were there met by "the hie styward and countroller," and partook of "spiced bredde, comfeits and oder godely conceyts with ypocras."

On the Saturday, after dinner, the "chieffe justice of the Comyne Place goith into a secrete chaumber with the chieffe and secund pronotare," and giveth the new serjeants "a godely exortatione," after which they "trete upone the writte" upon which they intend to plead.

On the Sunday, which is the grand day of investiture,

[1] Lloyd's State Worthies, 404.

before the judges assist in putting on their coifs and robes, the chief justice of the King's Bench, "gevyth [them another] godely exortatione." At the dinner "all the juges washe and sitt downe, and the chieff justice of the King's Benche commaundith all the newe serjeaunts to wasshe and sit downe," "and ych of them hath a karvar stondyng before hym, and two of the newe serjeaunts sitt at oone mese, and so dyne with sober countenance and lytell communycacion."

On Monday the procession in going to court proceeds first "thorough the Kyng's Streite to Seynt Edward, and ther offer: and they goo to ower *Lady of Pewe*, and ther they offer." They then go to the hall, and the ceremonies take place as related in the last reign, with the addition that after the pleading a representative of each new serjeant steps upon the bench between the two pronotaries, and kneeling down, presents the rings to each great officer present; and the chancellor "shall geff them thanks for ther ryngs, and a gret commendation, and hys soleme blyssing."

After dinner on that day the new serjeants "goo in a sober maner with their seid offycers and servaunts into London, oone the est side of Chepe Syde, one to Seynt Thomas of Acres; and ther they offer, and then come down on the west side of Chepe Syde to Powles, and ther offer at the rode of the north door at Seynt Erkenwald's shrine, and then goo down into the body of the chirche, and ther they be appointed to ther pyllyrs by the styward and countroller of the feste,"[1] according to the custom probably alluded to in Chaucer's description:

> "A serjeant of the lawe ware and wise,
> That often hadde yben at the parvis."

The feast in 23. Henry VIII., 1531, was in Ely House, and lasted five days. On the Monday both King Henry and

[1] Dugdale's Orig. 114—117.

Queen Catherine were present, although the proceedings for the divorce were then in active progress. They dined, however, in separate chambers. Stow says that "the preparation of fish, flesh, and other victuals would seem almost incredible," and that this entertainment "wanted little of a feast at a coronation." And so indeed it would appear from the idea he gives of the whole provision in the following particulars.

	£	s.	d.	
24 great beefes at - - - - -	1	6	8	each.
1 carcase of an oxe - - - -	1	4	0	—
100 fat muttons - - - - -	0	2	10	—
51 great veales - - - - -	0	4	8	—
34 porkes - - - - - -	0	3	3	—
91 piggs - - - - - -	0	0	6	—
10 doz. capons of Grese of one poulter (for they had three) - - - - -	0	1	8	—
9½ doz. capons of Kent - - - -	0	1	0	—
19 doz. capons, coarse - - - -	0	0	6	—
7¾ doz. cocks of grose - - - -	0	0	8	—
14 doz. and 8 cocks, coarse - - - -	0	0	3	—
Pullets, the best, 2½*d.*; other pullets, 2*d.*				
37 doz. pigeons - - - - -	0	0	10	a doz.
14 doz. swans				
340 doz. larks - - - - -	0	0	5	—[1]

In June, 1540, the feast was at the priory of St. John's, which had just then been suppressed. The king was not present, nor his queen Anne of Cleves, his third new wife since the last feast, to be superseded in two months by a fourth; but all the lords and commons of parliament attended, besides the lord mayor and aldermen.[2]

The present made to the new serjeants on leaving their inns of Court was 5*l.* each, and a pair of gloves the value of which at one time is stated to be 4*d.* and at another 3*d.*

However high the dignity of a serjeant might be generally considered, it was not one for which all were ambitious.

[1] Thoms's Stow's London, 144.

[2] Hall's Chron. (1809), 839.

Richard Brooke on July 11, 1510, obtained a grant from the king, that he should not be obliged to take the degree against his will; but notwithstanding this exemption, he seems to have been induced to accept it in the November following. Again, in 1520 Baldwin Malet, after receiving his summons, obtained his exoneration by the special exertions of his friends, and eleven years afterwards became solicitor-general.[1]

The first serjeants who received the honour of knighthood were Thomas Willoughby and John Baldwin, who had it conferred on them in 1534.[2] When Serjeant Rolfe refused it in the reign of Henry VI., it was considered more in the nature of an imposition; but now it was esteemed an advance in rank. This change originated with the Statute of Apparel, 1 Henry VIII., by one clause of which it is enacted that "no man *under the degree of a knighte except* spiritual men, *serjeaunts at the lawe,* or graduates of universities, use eny more clothe in eny longe gowne then foure broyde yerdes, and in a ryding gowne or cotte above thre yerdes."[3]

SERJEANTS' INN, CHANCERY LANE.— The serjeants were undoubtedly established here at the end of the last reign, under the lease to two of them dated in 1508. It may fairly be presumed that they continued here till the fifteenth year of this reign, from which time both judges and serjeants were located in Fleet Street. There is not the slightest evidence of their residence in this house from 1523 till 1604, nor any substantial ground for believing that during the interval they occupied more than one inn.

SERJEANTS' INN, FLEET STREET.— The Dean and Chapter of York granted a lease of these premises, dated June 20, 1523, 15 Henry VIII., to Sir Lewis Pollard, Just. C. P., seven serjeants, and the king's auditor for the duchy of

[1] Dugdale's Chron. Series.
[2] Dugdale's Orig. 137.
[3] Stat. of Realm, iii. 8.

Lancaster, at the rent of 2*l.* 13*s.* 4*d.* a year, and for the term of twenty-one years.[1] It is observable that the commencement of this lease was just after the termination of the lease for eighty years granted in 1442 to William Auntrous, so that probably the intervening lease of 1474 to John Wykes was for the remainder of the original term. The judges and serjeants continued in the occupation of this house for more than 200 years.

COUNSEL.

The initials show the courts to which those who became judges were first appointed.

T. Atkyns,
T. Audley, Lord Ch.,
A. Babington,
— Babthorpe,
J. Baker, att.-gen.,
J. Baldwin, Ch. C. P.,
— Barber,
P. Barnes,
J. Beaumont, M. R.,
L. Beckwith,
C. Beresford,
R. Blagge, B. E.,
J. Bowring,
J. Boyse, att. Duchy Lanc.,
— Bradburne,
H. Bradshaw, Ch. B. E.,
T. Brokesby,
G. Bromley,
T. Bromley, K. B.,
D. Brooke, Ch. B. E.,
R. Brooke, C. P.,
F. Browne,
G. Browne,
H. Browne, C. P.,
J. Browne,
R. Brudenell, K. B.,
— Bryknell,
— Burie,
F. Calibut,
J. Caril,
R. Chaloner,
R. Chidley,
R. Cholmley, Ch. B. E.,
H. Clerke,
R. Clerke,
J. Cock,
W. Coke, C. P.,
J. Colepeper,
H. Collys,
W. Coningsby, K. B.,
G. Crafford,
— Cressey,
R. Curson,
J. Danaster, B. E.,
J. Densell,
P. Dillon,
J. Dyer, C. P.,
— Edmonds,
T. Englefield, C. P.,
J. Ernle, Ch. C. P.,
T. Fairfax,
W. Fairfax, C. P.,
A. Fitz-Herbert, C. P.,
J. Fitz-James, K. B.,
J. Fitz-William,
— Formam,
L. Fortescue,
W. Foster,
W. Frost,
J. Gosnold,
E. Grey,
W. Grey,
E. Griffin, Griffith, att.-gen.,
J. Hadley,
C. Hales, M. R.,
E. Hales,
Ja. Hales, C. P.,
Jo. Hales, B. E.,
E. Halle,
G. Harbroune,
— Harding,
N. Hare, M. R.,
J. Harris,
J. Harvye,
R. Hassall,
T. Hemmings,

[1] Dugdale's Orig. Jur. 326.

W. Henley,
T. Herlakynden,
R. Hesketh,
H. Heydon,
R. Heydon,
C. Higham, B. E.,
J. Hinde, C. P.,
— Holte,
W. Honychurch,
— Hussey,
C. Jenney, C. P.,
— Jenour, Joyner,
T. Jubbes,
R. Keilwey,
E. Knightley,
T. Lane,
J. Latton,
J. Lucas,
N. Luke, B. E.,
W. Luke, K. B.,
R. Lyster, K. B.,
B. Malet,
W. Marshall,
W. Marten,
R. Massy,
— Matson,
— Mawdley,
R. Meinell,
E. Mervin, K. B.,
E. Michell,
A. Missenden,
E. Montagu, Ch. K. B.,
— Mordaunt,
J. More, C. P.,
T. More, Lord Ch.,
R. Moreton,
R. Morgan, Ch. C. P.,
J. Morice,
F. Mountford,
T. Moyle,
T. Moyne,
— Nevill,
J. Newdigate,
J. Newport,
G. Nicholls,
F. Noone,
R. Norwich, C. P.,
J. Onley,
— Oreigne,
J. Oteley,
J. Pakington,
— Palmer,
B. Palmys,
G. Palmys,
J. Petit, B. E.,
T. Pigot,
J. Pilborough, B. E.,
L. Pollard, C. P.,
J. Port, K. B.,
W. Portman, K. B.,
A. Poulet,
J. Pullen,
R. Rich, Lord Ch.,
R. Rokeby,
J. Rolle,
J. Roper, att.-gen.,
J. Rowe,
W. Ruddale,
T. Rushton,
R. Sackville,
G. Saintpole,
E. Saunders, C. P.,
J. Scott,
H. See,
— Sewser,
W. Shelley, C. P.,
T. Sidenham,
J. Skewys,
J. Skilling,
— Skrimshagh, clk.,
R. Smytley,
R. Sneyd,
J. Southwell,
J. Spelman, K. B.,
— Standish,
W. Stanford, C. P.,
A. Stapleton,
W. Stoobes,
G. Stoughton,
J. Strange
W. Sulyard,
R. Swillington, att.-gen.,
J. Tawe,
T. Tempest,
R. Thornburgh,
N. Tichbourne,
N. Townley,
G. Townshend,
R. Townshend,
G. Treheyron,
H. Tyngelden,
— Vowell,
R. Urmiston,
W. Wadham,
W. Walsingham,
R. Warde,
— Warner,
— Watts,
— Welles,
G. Whetenhale,
J. Whiddon, K. B.,
C. White,
G. White,
W. Whorwood, att.-gen.,
T. Willoughby, C. P.,
H. Wingfield,
J. Wood,
T. Wotton,
W. Wotton, B. E.,
R. Wrothe, att. Duchy Lanc.,
W. Yelverton,
R. Yorke.

The term "Utter-Barister" occurs for the first time in this reign. It is mentioned in the "Orders and Customs" of

the Middle Temple, where it is applied to one who, having continued in the house for five or six years, and profited in the study of the law, has been called by the benchers "to plead, argue, and dispute some doubtful matter before certain of the benchers," which "manner of argument or disputations is called *motyng;* and this making of Utter Baristers is as a preferment or degree given him for his learning."[1]

From the time of Sir Thomas More till after the Revolution, the speakership of the House of Commons was held (with one exception) by members of the legal profession.[2]

Some idea of the fees paid to counsel may be culled from the "Household and Privy Purse Expences of the Le Stranges of Hunstanton," published in the "Archæologia." In 1520 "Mr. Cristofer Jenny received from that family," for his half year's fee, "the sum of ten shillings, which was repeated till 1527, when it was increased from 1*l.* to 2*l.* 13*s.* 4*d.* per annum.[3]

From other entries it appears that Mr. Knightley received 8*s.* 11*d.* "for his fee, and for that money y^t^ he leyde oute for suyng of Symon Holden," and 14*s.* 3*d.* "for his fee and costs of sute for iij termes;" that a fee of 6*s.* 8*d.* was paid "to Mr. Spelman s'jeant for his counsell in makyng of my Mr. answer in ye Duchy Chañ.;" and another fee to him of 3*s.* 4*d.* "for his counsell in putting in of the answer." Similar fees of 3*s.* 4*d.* are afterwards given to Mr. Knightley and Mr. Whyte "for counsell;" but in 1534 Mr. Yelverton had 20*s.* "for his counsell."[4]

In the retinue of the Earl of Northumberland at the beginning of this reign, his Household Book enumerates "two of my lordys counsaill and athir of them a servaunt;" and in the list of wages they are thus entered: "Every oone of my

[1] Dugdale's Orig., 194.
[2] Townsend's House of Commons, i. 9.
[3] Archæologia, xxv. 434. 479.
[4] Ibid. 467, 468. 479. 537.

lordes counsaill to have c's. fees, if he have it in household and nott by patentt." When he was living in privacy with a reduced household of only forty-two persons, he still had "one of my lordes counsaill for aunswering and riddyng of causes, whenne suters cometh to my lorde."[1]

The reign of Henry VIII. may be regarded as the period when, beyond doubt, all the four inns of Court were established upon the system which, making allowance for subsequent changes in the manners and habits of men, prevails at the present day. From the isolated facts that have been recorded, it would be difficult to adopt the tradition that they existed in the time of Edward III. without some better explanation than has hitherto been given of the total absence of documentary evidence in any of the four houses until the reign of Henry VI. There seems no reason for supposing that less care would have been taken of their former records, than that with which their subsequent muniments are preserved; and there is no historic fact that can enable us to account for their utter destruction in each of the societies. That these societies, however, had been formed in some shape before Fortescue wrote, his work affords sufficient proof, but that they were regulated by any such established laws as were eventually fixed seems to be contradicted by the fact of the gradual introduction of a new system into each of the houses. The natural supposition is, that they were in the first instance voluntary associations of those pursuing the same study, with very few rules to guide them beyond their own inclinations; that the appointment of a head, the formation of schools, the election of officers, and the system of expenses were introduced by degrees as the numbers increased; until by the progress of the science, and the number of the candidates, it became necessary at last to regulate the form of study and the privilege of practice with

[1] Gent. Mag. July, 1853, p. 38.

more strictness and precision. But even this alteration was not adopted by all the inns of Court at the same time. Taking the earliest books of each of the inns as a criterion, the experiment, which was made by the society of Lincoln's Inn in 1423, 2 Henry VI., was not followed by that of the Middle Temple till 1501, 16 Henry VII., by that of the Inner Temple till 1506, 21 Henry VII., nor by that of Gray's Inn till 1514, 5 Henry VIII., leaving an interval between the first and the last of above ninety years. Hitherto there had been no appearance of connection between the societies; but henceforward it will be found that all the four houses acted in union. Thus in 22 Henry VIII. Lincoln's Inn agreed to keep Christmas, if the two Temples intended to do so; and in May, 1546, 38 Henry VIII., the treasurer of the Inner Temple was directed to confer with the other treasurers of Court for an uniform reformation in the length of beards and the extravagance of dress, and to know the judges' opinion thereon.

It would appear from an order of the Star Chamber in the sixteenth year, that the freedom of the young students required to be put under some discipline. The ancients of the inns of Court, with the readers and principals of all the inns of Chancery, having been summoned before that court, "it was advised them, that they should not thenceforth suffer the gentlemen students among them to be out of their houses after six of the clock in the night without very great and necessary causes, nor to weare upon them any manner of weapon."[1]

Lincoln's Inn.—The lease of this house, granted by the Bishop of Chichester to Francis Suliard, a bencher of the society in the reign of Henry VII., expired in 1535, 27 Henry VIII. On the 6th of December in that year, Robert Sherborne the then bishop granted a new lease to

[1] Archæologia, xxv. 380., quoting Lansd., MS. No. 639., p. 118.

William Suliard the son of Francis, from the preceding Michaelmas for ninety-nine years at a yearly rent of 6*l.* 13*s.* 4*d.* Bishop Sherborne died in the following year, and was succeeded by Richard Sampson, who on July 1, 1536, within a month after his consecration, conveyed the property absolutely to the above William Suliard and Eustace Suliard, the latter being one of the gentlemen ushers of the king's chamber.

The premises are described as "all that our great messuage called Lincolnes Inne with the courts, curtelages, gardens, and orchard, called the Conygarth, anciently called Coterel Garden, with the appurtenances, together with a certain way through the gate called Feldgate opposite the House of Converts, commonly called the Rolls, viz. from the common street called Chancery Lane, through the said gate into the field called Fykett's Felde, and from thence directly up to the said messuage, to carry and re-carry through the said way with horse, bigis, and carts at all times of the year."

In the *Habendum* the grantees are to hold the premises, "per servitia inde prius debit. et de jure consuet. viz. de Dno. Priore Sancti Johis. de Jrlm in Anglia et successorum suis per fidelitatem tm p. omnibus servitiis ex accõibus et demand." And the bishop warrants and defends the premises to the Suliards against the abbot and monks of St. Peter's, Westminster, and their successors. The grant mentions no consideration, and makes no allusion to the lease of the previous year. It was confirmed by the dean and chapter on August 1.[1]

It is curious that in the book in which the copy of this deed is preserved, a similar grant from the bishop to the

[1] Dugdale's Orig. 231. I am indebted, for a copy of this conveyance, to the kindness of the Dean of Chichester, and of Mr. Freeland, the Registrar of the cathedral.

king is entered, bearing the same date; but it is struck through with a pen. This would raise a suspicion that the transaction was a royal job, and that the king, having made the release of the property by the new bishop a condition of his election, his Majesty had provided for one of his servants with the spoil. This idea derives some confirmation from the fact that Edward Suliard, the son and heir of Eustace the last survivor of the two brothers, for a consideration of 520*l.*, conveyed the property to Richard Kingsmill and the rest of the benchers of the society, by a deed bearing date November 8, 1580, 22 Elizabeth, and by a fine then levied by Edward and his wife.

The Gate-house, begun in the last reign, was finished in 1519; and on the execution of the new lease, a large stack of nine chambers was erected. The pavement in Chancery Lane was also undertaken, in pursuance of the statute then passed for paving the whole of that street.

A control was exercised by the governors over the apparel of the members, who by an order in 1531 were forbidden, on pain of expulsion, to "wear any cut or pansed hose or bryches, or pansed doblet," a fashion probably introduced about that time by the leaders of the ton. A penalty of paying double commons was also imposed in 1541, on any fellow that should wear a beard.

The readers of the society held an exalted position during the time of their reading. They were placed at the upper end of the bench-table at dinner time, and had several important privileges, such as being allowed one clerk in commons at the rate of 20*d.* a week, if a single reader, and two clerks if a double reader, with the valuable right of admitting any person they pleased into the society. The honour, however, was attended with considerable expense. It was the practice for them to entertain the society; and their drinkings and

dinners are frequently noticed. A part of this was at the cost of the house; for in 5 Henry VIII. an order was made that "none of the bench who was to read in the harvest vacation should thenceforth charge the company of this house in anywise over the number of twelve bucks; so that if it were the pleasure of the same reader to have more, then he himself to be at the charge of them, as well for the reward as for the baking." This "reward" was 3*s.* 4*d.* for each buck brought in; and for the baking, pepper and flour were allowed for all the venison "spent in the hall." They had also an allowance for wine, of 14*l.* at the summer reading, and 8*l.* for that in Lent.

The learned body seems never to have been inattentive to their creature-comforts. At the coronation of the king, besides spending 5*l.* in erecting a scaffold at Westminster to witness the justs and tiltings, they treated themselves with a hogshead of claret wine, price 20 shillings, on the occasion. Neither could the younger members of the house complain that they had no relaxation from their studies. Besides the two readers' feasts, there were the four annual revels spoken of in the reign of Henry VI.; and to these may be added "the splendid shews, notable pastimes, and costly feastings" at the grand Christmases. For these entertainments various officers were recognized, viz. the master of the revels, the king, the marshall, and the king of Cockneys; and orders of the bench were issued in 9 Henry VIII. for the regulation of their places, and particularly the last-named. His marshall, butler, and constable marshall were enjoined to "use honest manner and good order, without any waste or destruction making in wine, brawn, chely, or other vitails," and were prohibited from meddling with the buttery. By the same order an older officer, "Jack Straw, and his adherents" were "henceforth utterly banisht," under penalty of 5*l.* The Christmases were occasionally passed over; for in 22 Henry

VIII. the keeping is made to depend on the intention of the two Temples to do so or not.[1]

THE TEMPLE.—The knights of St. John of Jerusalem shared the fate of the other religious houses in England in 30 Henry VIII. The tenancy of the two societies of the Temple was thus transferred to the crown, with the same rent as that hitherto paid to the knights hospitalers; but whether that rent was 10*l.* paid by each society, or 10*l.* divided equally between them, does not distinctly appear.

Both societies worshipped in the same church, the priests of which, before the dissolution, were "found by my Lord of St. John's." After that event a master or custos, appointed by the king, performed the religious services, assisted by a reader. The master had lodgings provided for him, and was dieted at either house at the upper end of the benchers' table.

THE INNER TEMPLE. – The society of the Inner Temple was very active during this reign in the erection of new buildings. Several houses for chambers were constructed in 20 Henry VIII. near the library, which were called Pakington's Rents, from the name of the treasurer who superintended them. Henry Bradshaw, treasurer in the twenty-sixth year, gave his name also to another set then built[2], which it kept until Chief Baron Tanfield resided there in the reign of James I., since which it has been called Tanfield Court. Other improvements were effected by giving a new celling to the hall, and placing a wall between the garden and the Thames.

The attention paid by the governors of the house both to the morals and dress of its members is evidenced by the imposition, in 13 Henry VIII., of a fine of 6*s.* 8*d.* on any one who should exercise the play of shoffe-grote or slyp-grote, and by the mandate issued in 38 Henry VIII., that they

[1] Dugdale's Orig. 244—248.

[2] Ibid. 145. 173. 197

should reform themselves in their cut or disguised apparel, and should not have long beards.

The number of students here at this time would appear not to have been very large; for it was ordered in 32 Henry VIII., 1540, that there should be no commons after the term, unless there were sixteen who would keep commons. They must have increased very much before 1586, when it is stated that there were 200 in term, and 80 out of term.[1]

MIDDLE TEMPLE.—In the Cottonian Collection there is a MS. description of the orders and customs and state of the Fellowship of the Middle Temple, which is attributed to the reign of Henry VIII. It begins by complaining that, in consequence of no lands nor revenues belonging to the house, "many a good witt is compelled to give over and forsake study before he have any perfyt knowledge in the law, and to fall to practising, and become a typler in the law;" from which it would seem that the class of students had much deteriorated since the time of Fortescue. After describing the authority of the treasurer, who was the highest officer, elected annually, and whose duties and powers were very extensive, it states that there were two companies in the fellowship there,—one called the clerks' commons, and the other called the masters' commons. The clerks' commons consisted of the young men for two years after their admittance, who dined and supped together, and paid 6*d.* less weekly for their commons than was paid for the masters' commons, and served "the masters' commons of their meat every day at dinner and supper." After they had been two years in the house, they were called up by the elders to the masters' commons, when they each paid 3*s.* 4*d.* for their pension, and 6*d.* weekly for their commons more than the clerks' commons. The annual charge for the masters' commons was 6*l.* 10*s.*, that for the clerks' commons 6*l.* 4*s.*

[1] Dugdale's Orig. 146—149.

One less sat at the masters' commons than at the clerks' commons, so that if there were only two at a mess of the former, there would be three at the latter. The value of the meat allowed to the masters' commons is regularly set down for every day of the week; and the only difference between them and the clerks' commons in this respect was that the latter had one more in each mess to eat the same quantity. Considering the value of money, the allowance for meat seems to have been liberal, except on Mondays and Wednesdays, which, according to the healthy practice of those times, were meagre days. Then only $1\frac{1}{2}d.$ and the third part of $2d.$ was allowed for two; but on the other days they had meat to the value of $3\frac{3}{4}d.$ or $4d.$ On Tuesdays and Fridays they had no supper; but on Saturday every man in both commons had four eggs for that meal.

The masters' commons were divided into three companies: —

I. *No-Utter-Baristers*, being those who "for lack of continuance in the house, or because they do not study or profit in lerning," are not by the elders called to argue in the *motyngs*.

II. *Utter Baristers*, being those described in p. 109.

III. Benchers, being those utter baristers who, having been in the house for fourteen or fifteen years, are by the elders chosen to *read*, expound, and declare some statute to all the company of the house. During the time of their reading they were called readers, and afterwards benchers.

These readings took place at two chief times in the year, called the grand vacations. One began the first Monday in Lent, and lasted three weeks and three days, during which one of the benchers, who had read before, read and expounded another statute. The other began the first Monday after Lammas day, and was of the same length, in which one who

was first chosen a bencher read. And the young gentlemen were compelled to be personally present at a certain number of these grand vacations, and also of the solemn Christmases, under the penalty of 20*s.* for every default.

The document then describes the disputations that were held before the whole house by the utter baristers appointed to impugn and support some opinion given by the reader, who at the conclusion was to confute the objectors, and confirm his own argument.

The *motyngs* are described as being arguments by utter baristers in law French, for and against some doubtful question propounded by a "young lerner," every night, upon which the benchers before whom they take place, "declare their myndes in English."

Besides these disputations and motyngs, the students themselves, "sitting together three by three in a company," every day discussed some point of law put by one of them; and sometimes out of term they had similar discussions before the utter baristers, which were called meane vacation or chapel motes.

Two readers were also appointed out of the utter baristers, to read upon some statute to the two inns of Chancery connected with the house, viz. Strand Inn and New Inn, in which the same manner of disputations and motyngs were also observed, each reader bringing two baristers with him, who joined in the argument.

Offences were punished by fines, or being put out of commons for a time; and the regulation of the house was under the direction of the benchers and utter baristers, whose meeting was called a parliament. The servants of the house are stated to be a steward, a chief butler and two under butlers, a cook and an under cook, a manciple or students' servant, and a laundress.

The only rule at this time as to apparel was, that it "pre-

tend no lightness or wantonness in the wearer," with the sensible remark that as that "doth shew him to be, even so shall he be esteemed among them."

This is a most curious document, and gives the first full account of the practices at any of the inns of Court. It bears internal evidence of having been written about the time to which it is ascribed, being after New Inn was attached to the Middle Temple in the reign of Henry VII., and before the dissolution of the monasteries, as the "lord of St. John" still provided the priests. Although very minute in its details, it is evidently not written by the authority of the house, because it begins by a regret at the want of revenue, and contains some complaints which the heads of the house would scarcely have published. Thus, it states that the students are interrupted in their studies by the idlers and by "the clyents and servants of clyents" resorting there, so that they might "as quietly study in the open streets;" that they have no place to walk in and confer except the church, where by the confluence and concourse of suitors they have "no more quietness than the pervyce of Pawles:" that in consequence of the gates not being shut at night, the chambers are oftentimes robbed, and many other misdemeanors used; and that they have no library, the few law books which they once had having been stolen.[1]

The gate of the Middle Temple was built in the seventh year of this reign by Sir Amyas Paulet, who was lodged in the old gate-house, when detained in London by the order of Cardinal Wolsey, whose displeasure he hoped to appease by ornamenting it with the cardinal's arms, hat, and other badges.[2]

GRAY'S INN. — It has been already mentioned that this house was granted in the seventh year of this reign, 1515, to the prior and convent of Skene. On the dissolution of the

[1] Dugdale's Orig. 193—197. [2] Ibid. 188.

monasteries in 1538, it of course fell into the hands of the king; but no other alteration appears to have been made in the tenure, except that the rent of 15*l.* 13*s.* 4*d.*, previously reserved, was paid to the crown, and so continued till the time when Dugdale wrote. The same sum, however, was paid to the society for the support of a chaplain, in pursuance of the decree of the Court of Augmentations to which reference has been already made.[1]

The example set by Lincoln's Inn about 1423, and followed by the Temples about 1501, in remodelling the constitution of their houses, does not appear to have been followed by the society of Gray's Inn till the year 1514, 5 Henry VIII., when, according to the Gray's Inn MS., the first ancient was called, and according to Dugdale, the first reader was appointed. The first book of the society (now unfortunately lost), referred to in the Index prepared by Segar the writer of the MS., commences also with the same year. No treasurer is named till 1530.[2]

There are some evidences to show that the society at this time was of small extent and had very limited accommodation. Dugdale states that the buildings were "not only very mean, but of so slender capacity that even the antients of the house were necessitated to lodge double," instancing the case of Sir Thomas Neville, who on July 9, 1529, accepted the attorney-general, Sir Christopher Hales, to be his bedfellow in his chamber there.[3] The order also of Lincoln's Inn on November 27 following, agreeing "that if the two Temples do kepe Chrystemas, then Chrystemas to be kept here," makes no mention of Gray's Inn, — an omission indicating the society had not as yet acquired its full importance.

That there were revels here, however, earlier than this time, appears from an order made at a pension held in the previous Michaelmas Term, by which a fine of 12*d.* was im-

[1] Dugdale's Orig. 272. 284. [2] Ibid. 292. 299. [3] Ibid. 273.

posed upon any fellow of the house, present on any Saturday at supper, between the feasts of All Saints and the Purification of our Lady, or on any other day at dinner or supper, when there were revels, who should depart out of the hall until the revels were ended.[1] Edward Hall, also, in his Chronicle, gives the following account of the manner in which Christmas was spent there three years before: —

"This Christmas was a goodly disguisyng plaied at Greis Inne, whiche was compiled for the moste part by Master Ihon Roo seriant at the law, xx yere past, and long before the Cardinall [Wolsey] had any aucthoritie; the effecte of the plaie was that lord gouernance was ruled by dissipacion and negligence, by whose misgouernance and euill order, lady Publike wele was put from gouernance: which caused Rumor Populi, Inward grudge, and disdain of wanton souereigntie, to rise with a great multitude, to expell negligence and dissipacion, and to restore Publike Welth again to her estate, which was so done. This plaie was so set furth with riche and costly apparel, with straunge diuises of Maskes and Morrishes, that it was highly praised of all menne, sauyng of the Cardinall, whiche imagined that the plaie had been diuised of hym, and in a greate furie sent for the said master Roo, and toke from hym his coyfe, and sent hym to the Flete, and after he sent for the yong gentlemen, that plaied in the plaie, and them highly rebuked and thretened, and sent one of them called Thomas Moyle of Kent, to the Flete; but by the meanes of frendes master Roo and he wer deliuered at last. This plaie sore displeased the Cardinall, and yet it was neuer meante to hym as you haue harde, wherfore many wisemen grudged to see hym take it so hartely, and euen the Cardinall saied that the kyng was highly displeased with it, and spake nothyng of hymself."[2] According to Fox, Simon Fish, a memoir of whom he has introduced into his "Acts and

[1] Dugdale's Orig. 285.

[2] Hall's Chronicle (1809), 719.

Monuments," was one of the performers in this piece, taking the part that principally touched the cardinal, and, according to his account, was in consequence obliged to fly the country.[1]

It was the same Hall the chronicler who, being one of the readers of this society, was ordered in 31 Henry VIII., 1539, to take out a window in the chapel, on which a picture of Thomas Becket "was gloriously painted," and place another instead thereof, in memory of our Lord praying on the Mount. This was done in consequence of the king's command, that all images of the archbishop should be destroyed.[2]

The readers were sometimes exonerated from the performance of their duty, on stating a substantial excuse in their petition; but there is one instance in which a reader, William Yelverton, was fined 20*l.* because he did not read. It seems to have been the custom, apparently as a parting compliment, when a member was called upon to take the degree of a serjeant, to appoint him a reader before he was invested with the coif.[3]

CLEMENT'S INN.—Dugdale states (but only upon hearsay) that the right and interest of Sir John Cantlowe in Clement's Inn passed in this reign to William Holles, afterwards knight and lord mayor of London, from whom it afterwards descended to John Earl of Clare, under whom he says that the society then held it.[4]

NEW INN.—According to the authority of Sir Thomas More, the commons of this house were not so good as those of Lincoln's Inn, nor so poor as those at Oxford. When he resigned the chancellorship, and found himself somewhat straitened in his circumstances, he said, "by my counsel it shall not be best for us to fall to the lowest fare first; we will not therefore descend to Oxford fare, nor to the fare of

[1] Pearce's Inns of Court, 83.
[2] Dugdale's Orig. 284.
[3] Ibid, 293.
[4] Ibid. 187.

New Inn, but we will begin with Lincoln's Inn diet, where many right-worshipful and of good years do live full well." He, however, acknowledges that with the fare of New Inn "many an honest man is well contented."[1]

STAPLE INN. — Dugdale states that by an indenture of bargain and sale dated Nov. 10, 1528, 20 Henry VIII., this inn was granted by John Knighton, and Alice his wife, daughter of John Chapwood, to the ancients of Gray's Inn.[2] The handsome hall was built in this reign.

BARNARD'S INN. — By the earliest books of this society[3], it appears that the government was in twelve ancients, who had power to elect the reader, the principal, and all the other officers. The fines on admission varied from 3*s.* 8*d.* to 16*s.* 8*d.* A statute of the society in the last year of this king's reign directs that every companion who shall be admitted to the fellowship shall be resident there for four vacations for learning after his admittance, under a penalty of 10*s.* for each absence, to be paid to the principal before his entry to commons, or before he has the privileges of the grand company. That great strictness was exercised in the study of the rudimental forms of the law, is evidenced by the imposition of a fine of one halfpenny for every defective word, one farthing for every syllable, and one penny for every improper word, in writing the writs according to the form of the Chancery, in the moots of the house. Fines were also imposed on those who omitted to put a case in law at the several tables at dinner and supper. "Every common walker to the stews, or to other suspected places," was liable to

[1] Roper's More (Singer), 61.

[2] Dugdale's Orig. 310.

[3] The ancients of this house have most liberally given me the inspection of their books; and I am particularly indebted to Charles Pugh, Esq., for the facilities he has afforded me. This gentleman has presented to the Society an elegant illuminated MS., tracing its origin and progress, prepared by himself.

be "immersed," and if he would not amend his misdeeds, to be expelled. The winner at dice, cards, or any other game, was to "pay 6*d.*, and lose what he gains, to the advantage of the house, unless it be at the game of shooting at the Butts in the Fields."

One Edward Waylond was admitted in the same year, with a special reservation that he was not to receive instruction, to bear office, or to eat in commons, against his will.

The Year Book of Henry VIII. is the last bearing that title. It is very incomplete, omitting the whole of the first eleven years, those from 15 to 17 inclusive, and from 20 to 25 inclusive, and the last eleven years of the reign, thus leaving only seven years reported, in which also several terms are omitted.

The omissions are in a great measure supplied by the reports of Keilwey, William Bendloes and Dalison, and of Sir Francis Moore, Sir Edmund Anderson, and Sir James Dyer. These eminent men collected notes of the different cases for their own private information, which were afterwards published; and in the future reigns the same course was adopted, no authorised reporter being appointed, and each series acquiring that reputation to which experience proved it to be entitled. Some of the most eminent reporters adorned the bench of justice, and in the memoirs of their lives their works will be noticed; but the number is so great, the names are so familiar, and the works so easily accessible, that it is deemed unnecessary to give a detailed list of them.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF HENRY VIII.

ALLEYN, JOHN.

B. E. 1509.

See under the Reign of Henry VII.

THE custom formerly prevailing of the officers in the Exchequer being members of the clerical profession, began about this time to be discontinued; and the practice of their receiving a regular legal education commenced. Thus Bartholomew Westby, John Bolling, and John Alleyn, the three puisne barons when Henry VIII. came to the throne, who had probably filled some official position in the department before they were raised to the bench, were all of them members of an inn of Court. That their duties had been confined to the Exchequer may be inferred from the fact that neither of the three is mentioned as an advocate by any reporter.

John Alleyn or Aleyn was entered at Lincoln's Inn on February 2, 1476, and was elected reader in autumn, 1491, and again in Lent, 1496. He was constituted fourth baron on February 18, 1504, 19 Henry VII., and was continued in the same position for the first two years of the reign of Henry VIII.[1]

Phillips, in his "Grandeur of the Law," p. 69., says that

[1] Linc. Inn Black Book, ii. 32. b.; Dugdale's Orig. 250.; Chron. Series.

Sir Thomas Allen, Bart., lord mayor of London, was one of the baron's descendants; but evidence is wanting in support of the statement. There is indeed the same difficulty as in former reigns in tracing the pedigree of the barons of the Exchequer, who in general began their career as clerks in the department. The only reliable hint of John Alleyn's connections appears in his being appointed in 1509 supervisor of the will of John Perfay, draper, of Bury St. Edmund's, who bequeaths "to hym for hys labor xx *s.* in mony, and a blak gowne."[1]

Blomefield is clearly in error when he states that John Wodehouse of Kimberley in Norfolk married the relict of "John Aleyne, one of the barons of the Exchequer," inasmuch as John Wodehouse himself died in 1465, and his lady lies buried with him.[2]

AUDLEY, THOMAS, LORD AUDLEY OF WALDEN.

LORD KEEPER, 1532. LORD CHANC. 1533.

NO connection has been traced between the chancellor and the noble family of Audley or Aldgithly, of an early member of which a sketch is given in the reign of Henry III.[3] Morant states that Thomas Audley was born of obscure parents at Earl's Colne in Essex, in the year 1488. Of his early life, or of the place of his education, there is no account; but it is believed that he went to one of the universities. If so, the claim of Cambridge may be preferred, from his afterwards becoming a great benefactor to, if not founder of, Magdalen College there. He studied the law at the Inner Temple, where he became autumn reader in 1526; but no record of his appearance as an advocate occurs previously in the Reports. He had held the office of town clerk

[1] Bury Wills (Camden Soc.), 113.
[2] Blomefield, Norfolk, i. 758.
[3] *See* Vol. II. p. 212.

of Colchester, of which he was admitted a free burgess in 1516; and he had been of the council of the Princess Mary, when she held her court at Ludlow.[1]

The step by which he raised himself to eminence seems to have been the obtaining a seat in the House of Commons. There no doubt he supported the measures of the Court, as he was elected speaker of the parliament that met in November, 1529. This was called the Black Parliament, and was signalised by the fall of Cardinal Wolsey, and by the first attack on the papal power. So zealous were the speaker's services, that he was rewarded by a rapid advance in his profession. In 1530 he was appointed attorney for the duchy of Lancaster; and on November 14, 1531, a day or two after he had assumed the coif, he was made king's serjeant.

One of the earliest duties imposed upon him as speaker, was to convey to the king the complaint of the Commons against Fisher, Bishop of Rochester, for saying in parliament that the bills sent by them to the Lords were all for the destruction of the Church, and arose only from lack of faith. The bishop, when called on, gave an evasive explanation, which "pleased the commons nothing at all." On another occasion Audley was sent for in consequence of a member named Temse having moved the Commons to sue the king to take Queen Catherine again as his companion, when his Majesty marvelled not a little that they should touch a matter which was not to be determined there, and took the trouble of declaring that his conscience alone caused him to abstain from her company, and no foolish or wanton appetite; "for," added he, "I am forty-one years old, at which age the lust of man is not so quicke as in lustie youth," — a saying to which the members no doubt gave just as much credence as is now accorded by those who are acquainted with his subsequent history. It was then evidently the practice for the king to

[1] Miss Strickland's Queens of England, v. 156.

communicate with the speaker and certain members of the house on subjects which he intended to come before them; for it appears that in another interview he produced to them the oaths taken by the bishops to himself and to the pope, complaining "that they bee but halfe our subiectes, yea, and scarce our subiectes,"[1] with the ultimate view that the Commons should adopt some measure to declare his supremacy. In all these matters he found Audley so willing an instrument, that it was not long before he secured the speaker's services in a still more prominent position.

Having filled the place of Sir Thomas More as speaker of the House of Commons, so did he succeed that eminent man in the possession of the Great Seal. He received it from the king on May 20, 1532, at the "manor of the Plesaunce, alias Est Grenewich," with the title of lord keeper, being dubbed a knight at the same time. History does not state the reason why the inferior title of keeper only was given to him; and it is impossible to adopt Lord Campbell's questionable suggestion, that it was to enable him to continue in his place in the House of Commons; the more especially as the parliament was not then sitting, and as on the 26th of the following January, before it had re-assembled, Audley was invested with the title of lord chancellor.[2] This office he held for the rest of his life; but during his last illness he sent the Seal to the king, who deposited it temporarily with Sir Thomas Wriothesley during Audley's infirmities, which in a few days terminated in his death.[3]

Audley had the custody of the Seal for nearly twelve years, a period more disgraceful in the annals of England than any of a similar extent. Within it were comprehended the king's divorce from one queen, after an union of two and twenty years, under pretence of a scruple of conscience; the

[1] Hall's Chron. (1809), pp. 766. 788.
[2] Claus. 24 Henry VIII., ii. 16. m. 24. [3] Ibid. 36 Hen. VIII., p. 1. n. 3.

repudiation of another after a few days' intercourse, on the mere ground of personal antipathy; the execution of two others, one of them sacrificed to obtain a new partner; and innumerable judicial and remorseless murders, those of Sir Thomas More and Bishop Fisher leading the dreadful array. Even the Reformation, the foundations of which were laid during this period, though producing such glorious results to this country, brings nothing but disgrace on its active originators. Commenced by a despotic tyrant in defiance of the religious tenets which he had himself advocated and which he still professed, the power of the pope was abjured solely in revenge for the papal refusal to sanction his divorce; his own imposed supremacy was only used to introduce doctrines which it was equally difficult for Catholics or Protestants to adopt, each suffering in turn from the dilemma in which they were placed; and the monasteries were dissolved, not for the professed purposes of purification, but for the sake of the riches they produced to the king's treasury, and to supply the means of rewarding the subservient minions of his power.

Among these, Audley, who all along acted as a thorough tool to the king, and was a most zealous promoter of the suppression, secured no inconsiderable share of the confiscations, "carving for himself in the feast of abbey lands," as Fuller humorously remarks, "the first cut, and that a dainty morsel." This was the magnificent priory of the Holy Trinity, or Christchurch, in Aldgate, London, founded in the reign of Henry I., which, having been surrendered by the prior, was granted to the chancellor within a year after he attained that dignity. He pulled down the great church, and converted the priory into a mansion for himself, in which he resided during the remainder of his life. It was subsequently called Duke's Place, from his son-in-law the Duke of Norfolk. To this were next added many of the smaller priories in

the neighbourhood of Colchester, with which his former connection with that town had made him acquainted. But he was not satisfied with even these extensive spoils; for having fixed his eye on the rich monastery of Walden in the the same county, in suing for it he not only lessened its value, but had the meanness to allege that he had in this world sustained great damage and infamy in his serving the king, which the grant of this abbey would recompense. He succeeded in his application, and took his title from the plunder when the king on November 29, 1538, raised him to the peerage as Baron Audley of Walden. The order of the Garter was soon after disgraced by his admission among its members.

With the attainment of these riches and honours, however, he could never feel secure, seeing as he did the most favourite ministers fall successively under the caprice of his arbitrary and hard-hearted master. The consciousness that the odious laws he had introduced might be turned against himself, and that his fate depended on the momentary whim of an inexorable tyrant, may most probably have brought on, only five years afterwards, that illness which terminated in his death.

This occurred at his mansion in London, on April 30, 1544. His remains were deposited under a magnificent tomb erected by himself in his chapel at Walden, with an epitaph in verse as contemptible as his career.[1]

In an age of the meanest compliance with the will of the prince, Audley has acquired the character of undoubtedly equalling, if he did not exceed, all his contemporaries in servility. The only circumstance that rescues his name from entire opprobium, is his appropriation of part of his ill-gotten wealth to the restoration of the college in Cambridge which Edward Stafford, Duke of Buckingham, beheaded in 1521, had founded two years before his death, and left incom-

[1] Weever, 624.

plete. Audley procured its incorporation, and endowed it with considerable property which had formerly belonged to the priory of the Holy Trinity, obtaining the king's license to change its name of Buckingham College to that of St. Mary Magdalen, which it now bears. That he adopted this title, as he is charged by some writers, because its ordinary English pronunciation, "Maudleyn," contained his own name between the initial and final letters, is too absurd to be believed. He may be acquitted of such a puerility, without giving him much credit for his wit. The only example recorded of the latter, is in the application of two of "Isopes fables" to the case of Sir Thomas More, then in the Tower for conscience' sake, which he related to Alice Alington, Sir Thomas's step-daughter, to show that the conscientious prisoner was only "obstinate in his own conceite." One of these was the story of the wise men who hid themselves in caves to avoid the rain which was to make all fools on whom it fell, hoping to rule the fools when the storm was over; but the fools were the more numerous, and would not then be ruled. The other was of the confessions of the lion, the ass, and the wolf, intimating that Sir Thomas's conscience was like that of the ass, who confessed that he had in his hunger taken one straw out of his master's shoe, by which he thought his master had taken cold. More, on receiving a report of the interview, showed that the first tale was a clumsy repetition of one often told to the Council by Cardinal Wolsey as a reason for going to war, which fable, he adds, "dydde in hys dayes help the king and the realme to spend manye a fayre penye." The second tale he proved not to be Æsop's, and wittily turned the application of both from himself to the relator.[1]

There was so much more of sneering heartlessness in this conversation with Alice Alington, than of the sympathy

[1] Singer's Roper, 127—138.

which he professed to feel for her imprisoned step-father, that his previous interference with the king to prevent the introduction of More's name into the bill of attainder with reference to Elizabeth Barton the Holy Maid of Kent, seems to have been dictated rather by the dread of a defeat in the House of Lords, than by any friendly interest in More's behalf. His spiteful reminder to Cromwell, to mark, in his report to the king, that More would not even swear to the succession "but under some certaine maner;" his omission, as president on the trial of the ex-chancellor, when about to pass the dreadful sentence of the law, to put the usual question to the prisoner, "whether he could give any reason why judgment should not be pronounced against him;" and his ready adoption, after hearing More's argument, of the chief justice's equivocal reply, and hastily proceeding with the sentence, all manifest that he was imbued with the same spirit which prompted his vindictive master to seek for More's destruction.

Of his legal acquirements there is little evidence, beyond the reputation that he gained at the Inner Temple for his reading on the Statute of Privileges, which recommended him to the Duke of Suffolk, his first patron. The judicial decisions in which he was engaged during his period of office, were too much mixed up with the political questions of the day, and too clearly controlled by the sovereign whose will he was so ready to obey, to have any weight attached to them. To this, perhaps there is one exception; for the privilege that is now exercised by the Commons, of punishing those who imprison their own members, is said to have been first established under Audley's sanction, in 34 Henry VIII., in the case of George Ferrers, M.P. for Plymouth, for whose arrest the sheriff of London was sent to the Tower.

His interpretations of the law on the various criminal trials at which he presided, are a disgrace not only to him, but to

every member of the bench associated with him, while both branches of the legislature are equally chargeable with the ignominy of passing the acts he introduced, perilling every man's life by the new treasons they invented, and every man's conscience by the contradictory oaths they imposed. It is a degradation to the pious and excellent Sir Thomas More, to mention him, even in contrast, with such a man as Audley; and the name of More's less estimable predecessor, Cardinal Wolsey, acquires an added brightness when the moderation of his ministry, during the earlier years of the reign, is compared with the persecuting spirit which prevailed while Audley held the Seals at its close.

Lord Audley left no son to inherit his title; but by his marriage, apparently late in life, with Elizabeth, daughter of Thomas Grey, Marquis of Dorset, he had two daughters. Mary, the elder, died unmarried; and Margaret, thus his sole heir, became the wife, first, of Lord Henry Dudley, a younger son of John the first Duke of Northumberland, and secondly, on Lord Henry's death at St. Quintin's in 1557, of Thomas, Duke of Norfolk, who had been previously married. By the latter she had a son Thomas, who erected on the ruins of the abbey of Walden, which he inherited from his mother, the stately mansion called, in memory of her father, Audley End. He was summoned to parliament by Queen Elizabeth as Baron Howard de Walden, and was created Earl of Suffolk by James I. Both titles still survive in different branches of the family, and were not divided till the death of James the third possessor, in 1706. The barony then fell into abeyance between Essex and Elizabeth, his two daughters, and continued so for seventy-eight years, being terminated in 1784 in favour of the great grandson of the elder daughter. He was created Baron Braybroke in 1797 (with a special limitation in favour of the present Lord Braybroke's father), but dying in the same year with-

out issue, and no other descendant of Essex the elder daughter remaining, the representative of Elizabeth the younger daughter was found to be Frederick Augustus Hervey, fourth Earl of Bristol and Bishop of Derry, on whom therefore devolved the Barony of Howard de Walden; and his great-grandson now enjoys the title.

The Earldom of Suffolk, on the death of James the third earl, passed to his brother, whose family held the title till the death of the tenth earl in 1745, when, as he left no son, it passed to the descendant of the second son of the first earl, and again in 1783 to the descendant of a younger grandson of the first earl. By this change in the descent, the titles of Baron Howard of Charleton, Viscount Andover, and Earl of Berkshire, creations acquired by the second son of the first Earl of Suffolk, have been all united to the latter title.[1]

BALDWIN, JOHN.

CH. C. P. 1535.

JOHN BALDWIN was the son of William Baldwin and Agnes the daughter of William Dormer, Esq., of Wycombe in Buckinghamshire, the ancestor of Lord Dormer. At the Inner Temple, where he studied the law, he attained so high a reputation that he received the uncommon distinction of being thrice appointed reader, in autumn 1516, in Lent 1524, and in autumn 1531. The last occasion was on account of his having been called upon to take the degree of the coif, which he accordingly assumed in the following November, when he was immediately constituted one of the king's serjeants. In 1530 he held the office of treasurer of his inn.

He probably practised in the Court of Chancery, as he

[1] Dugdale's Baron. ii. 382.; Morant's Essex, i. 138.; Biog. Dict. Chalmers; Stow's London; Lingard; Nicolas's Synopsis.

was one of the persons assigned in June, 1529, to aid Cardinal Wolsey in hearing causes there. He and Serjeant Willoughby were knighted in 1534, being the first serjeants, as is noticed in Spelman's MS. Reports, who ever submitted to receive that honour. In 1535 he was elevated to the chief justiceship of the Common Pleas. The precise date of his patent is not known; but as the last fine levied before his predecessor, Sir Robert Norwich, was in February, and the first before him in April, it must have been granted between those dates. Within a few weeks he was called upon to act as a commissioner on the trials of Sir Thomas More and Bishop Fisher, in which, however, he does not appear to have taken any active part. He continued chief justice for ten years, resigning between Trinity Term, 1545, the date of the last fine levied before him, and November 6, when his place was supplied by Sir Edward Montagu.[1] His death occurred on December 22.

Notwithstanding his early promise, he does not seem to have been much esteemed as a judge. He differed frequently from his brethren, and was certainly thought little of by Chief Justice Dyer, who on one occasion says in his Reports, "But Baldwin was of a contrary opinion, though neither I, nor any one else, I believe, understood his refutation."

He possessed the manor of Aylesbury in Bucks, and in the last year of his life he obtained some valuable grants from the king, of the farms of several manors in that county and in Oxfordshire, which had been either forfeited by the attainder of their former possessors, or seized on the dissolution of the monasteries.[2] All his property, for want of male heirs, was divided among his daughters, one of whom, Catherine, was married to Robert Pakington, M.P. for London (assassinated in the streets in 1536), who was

[1] Dugdale's Orig. 47. 137. 163, 164. 170.; State Trials, i. 387. 398.
[2] 9 Rep. Pub. Rec., App. ii. 162.

the ancestor of the baronets of that name, of Aylesbury, whose title became extinct in 1830.[1]

BATH and WELLS, BISHOPS OF. *See* T. WOLSEY, J. CLERKE.

BLAGGE, ROBERT.

B. E. 1511.

BY one of Dyer's reported cases it appears that Robert Blagge was made king's remembrancer in the Exchequer for life, in 18 Henry VII., 1502. He was advanced to the bench of that court as third baron on June 26, 1511, 3 Hen. VIII.[2], still continuing to exercise the office of remembrancer by deputy. In the seventh year of that reign, the king granted him an annuity of eighty marks during pleasure[3]; and in the same year he obtained a patent of the remembrancership for his son Barnaby for life, in reversion on his own death or other vacancy. This patent was the subject of discussion in Dyer; and the result was that it was annulled and revoked in 3 Eliz. as insufficient and not good, because Robert Blagge had no legal estate at the time of its date, nor at any other time after he was constituted a baron. He is stated in the case to have been in possession of his place on the bench in 15 Henry VIII., 1523-4[4]; but it does not appear how soon afterwards he died.

He was descended from an ancient family in Suffolk; and by his marriage with Katherine, sole daughter and heir of Thomas Brune or Brown, he became possessed of Horseman's Place in Dartford, and of considerable property in the county of Kent, which descended to his sons Robert and the above Barnaby. His widow married Sir Richard Walden.[5]

[1] Wotton's Baronet. i. 388.

[2] Rot. Pat. 3 Hen. VIII., p. 1. Dugdale in his Chronica Series names Stag as a baron; but as no such name occurs in any other place, I have no doubt it has been misread for Blagge.

[3] Rot. Pat. 7 Henry VIII., p. 3. [4] Dyer's Reports, 197.

[5] Hasted's Kent, ii. 312. 375.; MS. Hist. of Suffolk.

BOLLING, WILLIAM.

B. E. 1509.

See under the Reign of Henry VII.

WILLIAM BOLLING was appointed third baron of the Exchequer on October 11, 1501, 17 Henry VII., and was continued in his place for the first four years in the following reign.

He was one of the ancients of the Middle Temple who were present when three members of that society were called serjeants in November, 1503, thus plainly showing that barons at that time sat on the bench who, not being of the degree of the coif, still remained in the society in which they had been brought up.[1]

BOTELER, JOHN.

JUST. C. P. 1509.

See under the Reign of Henry VII.

THIS judge may be presumed to derive his name from the office which he originally filled in Lincoln's Inn. In the Black Book of that society he is described as being admitted a member of it in 8 Edward IV., 1468, because "bene et fideliter se gessit in officio pincernæ,"[2]—a practice of which another instance will be found in the life of Judge More. He became reader in autumn, 1482, and read a second time in Lent, 1488.[3]

His appearance as an advocate in the Year Books does not occur till Michaelmas Term, 5 Henry VII., 1489. In the ninth year of that reign he was called to the degree of the coif with Humphrey Coningsby and several others[4], who held

[1] Dugdale's Orig. 113.; Chron. Ser.

[2] Black Book, i. 156. b.

[3] Dugdale's Orig. 249, 250.

[4] The Year Book of Trin. 9 Hen. VII., fo. 23., corrects Dugdale, who makes the call two years later.

their feast at Ely House on November 16, 1494, which is the first recorded instance of this solemnity being honoured with the presence of the king and queen.

His elevation to the bench of the Common Pleas took place on April 26, 1508, just a year before the king's death; and receiving a new patent from Henry VIII., he continued in the exercise of his judicial duties for the next nine years. The last fine levied before him was in November, 1517; and the first before his successor, Sir John More, in the following February.[1]

Phillipps in his "Grandeur of the Law" names the two baronets, of Teston in Kent, and Hatfield Woodhall in Hertfordshire (both now extinct), among his descendants; but Wotton does not introduce his name in the pedigree of either.

BROMLEY, THOMAS.

JUST. K. B. 1544.

See under the Reigns of Edward VI. and Mary.

BROOKE, RICHARD.

JUST. C. P. 1520. CH. B. E. 1526.

THE family of Brooke or Broke was established at Leighton in Cheshire as early as in the twelfth century; and Richard Brooke was the fourth son of Thomas Brooke of that place, by the daughter and heir of John Parker of Copen Hall. Like many younger sons of rich families, he was devoted to the law, and pursued his studies at the Middle Temple so successfully that, dreading a summons to take upon him the degree of the coif, the usual reward of eminent advocates, he obtained a royal permission, on July 2, 1510, 2 Hen. VIII., to decline the honour in case it should be offered to him. It would appear, however, that he soon altered his mind, and did

[1] Dugdale's Orig. 47.; Chron. Ser.

not avail himself of the exemption; for he was one of the nine who were made serjeants in the following November. In the same autumn he was reader at his inn of Court. In that year also he was raised from the office of under sheriff to that of recorder of the city of London, and was elected its representative in parliament,— a trust which was repeated in 1515.

In Easter, 1520, his name is mentioned in a fine as one of the judges of the Common Pleas. The patent of his appointment has not been found; but he was probably placed in this court on the removal of Sir John More to the King's Bench, as no other vacancy then occurred. He received the customary knighthood on the occasion; and on resigning the recordership, the corporation complimented him with a tun of wine at Christmas.

On January 24, 1526, he was constituted chief baron of the Exchequer, and performed the duties of that office in addition to those of the judgeship of the Common Pleas, as appears by fines being levied before him till April, 1529. Sir Robert Lyster, his successor as chief-baron, was nominated on May 12 in that year, which probably was about the date of Sir Richard Brooke's death.

He erected the mansion still called Broke Hall, at Nacton near Ipswich in Suffolk. His daughter Margaret was married to William Whorwood, successively solicitor and attorney-general in this reign, after whose death she took for her second husband William Sheldon, Esq., of Beeley in Worcestershire. From Sir Richard's son Robert descended another Robert, of Nacton, who was created a baronet in 1661, but dying in 1693 without male issue, the baronetcy expired, and the estates descended to a nephew, Robert, who had married one of his daughters. This Robert's great-grandson, Captain Philip Bowes Vere Broke, was raised to the same dignity in November, 1813, for his victory as

commander of the Shannon, over the American frigate the Chesapeake. His son is the present baronet.

The baronetcy of Brooke of Norton Priory in Cheshire is derived from the chief baron's elder brother.[1]

BROWN, HUMPHREY.

JUST. C. P. 1542.

See under the Reigns of Edward VI., Mary, and Elizabeth.

BRUDENELL, ROBERT.

JUST. C. P. 1509. CH. C. P. 1521.

See under the Reign of Henry VII.

DESCENDED from an ancient family established at Dodington in Oxfordshire as early as the reign of Henry III., and of which Edmund Brudenell attorney-general to Richard II. was a member, Sir Robert Brudenell was born in the year 1461. He was the second son of Edmund Brudenell, Esq., of Agmondesham, Buckinghamshire, where he had large possessions, by his second wife Philippa, daughter of Philip Englefield, Esq., of Finchingfield in Essex. Devoting himself to the study of the law, he seems to have been introduced into practice at a very early period; for his name occurs as an advocate in the Year Books in Hilary Term, 1490. He was called to the degree of the coif in Michaelmas Term, 19 Henry VII.[2], 1504, with nine others, who held their feast at Lambeth Palace; and on October 25, 1505, he received the appointment of king's serjeant. In eighteen months he was raised to the judicial seat, succeeding Sir Robert Read in the King's Bench on April 28, 1507, two years before the death of the king.

On the accession of Henry VIII. he was removed into the

[1] Dugdale's Orig. 47. 215.; Chron. Ser.; Stow's London, 259.; Wotton's Baronet. iii. 393.; Burke.

[2] Dugdale says 20 Hen. VII. in his Chron. Series; but this is clearly a mistake, as indeed he proves in his *Origines*, p. 113.; and Brudenell is designated a serjeant in the parliament of the 19th year (*Rot. Parl.* vi. 539.).

Court of Common Pleas, where he sat as one of the puisne Judges for twelve years, and was then appointed chief justice there on April 13, 1521. He presided in this court till his death on January 30, 1531. He was buried in the church of Dean in Northamptonshire, under a beautiful alabaster monument, on which his effigy was placed between those of his two wives. The first of these was Margaret the widow of William Wivil, Esq., of Stanton in Leicestershire, and daughter and co-heir of Thomas Entwissell, Esq., of Stanton-Wivil. The second was Philippa Power. By the latter he had no issue; but by the former he had two sons, Thomas and Anthony.

Sir Thomas Brudenell, the eldest son, was the grandfather of Thomas, who was one of the first baronets at the institution of that order in 1611. King Charles I., in April 26, 1627, raised him to the peerage by the title of Baron Brudenell of Stanton-Wivil. For his loyalty to this unfortunate monarch, and his sufferings in the cause, Charles II. advanced him to the degree of an earl on April 20, 1661, by the title of Earl of Cardigan, which is now held by the seventh possessor.

John, the son of George the fourth earl, in 1762 was created Baron Montagu of Boughton; but this title became extinct by his death without issue in the lifetime of his father, who in 1776 was created Marquis of Monthermer and Duke of Montagu, titles which expired on his decease in 1790 without surviving issue male.

The duke in 1786 procured a revival of the Barony of Montagu of Boughton in himself, with remainder to the second son of his daughter Elizabeth by her husband the Duke of Buccleuch, on whose death in 1845 without issue this barony again became extinct.

The duke of Montagu's brother James was created Baron Brudenell of Dean in 1780; but he also dying child-

less, the barony became extinct, and the earldom of Cardigan devolved on his nephew, the father of the present earl.

Thomas, another brother of the duke, in 1747 became Baron Bruce of Tottenham in Wiltshire, by virtue of a remainder to him in the patent of creation granted to his mother's brother Charles, Earl of Aylesbury. In 1776 this Earldom of Aylesbury was revived in his favour; and in 1824 his son was advanced to the dignity of Marquess of Aylesbury, a title which still distinguishes this branch of the family.[1]

BUCKINGHAM, ARCHDEACON OF. *See* J. TAYLOR.

CANTERBURY, ARCHBISHOP OF. *See* W. WARHAM.

CHESTER, ARCHDEACON OF. *See* C. TUNSTALL.

CHOLMLEY, ROGER.

CH. B. E. 1545.

See under the Reign of Edward VI.

CLERKE, JOHN, ARCHDEACON OF COLCHESTER, BISHOP OF BATH and WELLS.

M. R. 1522.

OF the lineage of this John Clerke no account is given, nor of his early life except that he was educated at Cambridge, where he took the degree of Doctor in Divinity.

By what accident he was introduced into court favour does not appear; but on October 22, 1519, he was collated to the Archdeaconry of Colchester, and in the same year was installed dean of the Royal Chapel at Windsor. He must have been recommended by extraordinary abilities to be selected in 1521 for a mission so important in the eyes of its royal author as that of laying at the feet of Leo X. King

[1] Collins's Peerage, iii. 487.; Nicolas's Synopsis; Dugdale's Chron. Series.

Henry's book against Luther. His oration on its delivery is not an inelegant composition, and is appended to the published work. His return to England as the bearer not only of the pope's complimentary reply, but also of the bull conferring on the King of England the coveted title of "Defender of the Faith," was secure of a cordial welcome; and his services did not receive a less substantial reward from his having acted as Wolsey's private agent while at the Roman court.

On October 20, 1522, he was appointed master of the Rolls in the room of Cuthbert Tunstall, but held the office not quite a year, vacating it on October 9, 1523, in consequence of his elevation to the Bishoprick of Bath and Wells, to which he was elected on March 26, and the temporalities of which were granted to him on May 2.

His acts of diplomacy seem to have influenced his destiny. His advance to the prelacy resulted from his embassy to the pope; and his death is said to have been caused by his mission to the Duke of Cleves. Despatched to that court with the lame explanation of his variable sovereign's repudiation of the Princess Anne, the unwelcome messenger is reported to have had poison administered to him in his food, as several of his suite died after partaking of it. The bishop, infected with the venom, survived till his return, when he died in London on January 3, 1540-1. He was buried in the nunnery of the Minories, whence his remains were removed to the church of St. Botolph, Aldgate, his epitaph in which is given in Weever.[1]

COLCHESTER, Archdeacon of. *See* J. Clerke.

[1] Godwin, de Præsul. 387.; Rymer, xiii. 758. 792.; Le Neve, 33. 197. 376.; Dugdale's Chron. Ser.; Lingard, vi. 104. 304.; Wood's Athen. ii. 735.; Weever, 426.

CONINGSBY, HUMPHREY.

JUST. K. B. 1509.

THIS family was established at Coningsby in Lincolnshire as early as the reign of King John. The lord of that manor, John de Coningsby, was ancestor of Thomas, of Nene Solers in Shropshire, who had two sons, Humphrey and Thomas, the latter of whom, by his wife the daughter and heir of — Waldyffe, was the father of Sir Humphrey the judge.

After pursuing his legal studies at the Inner Temple, he is mentioned as an advocate in the Year Books in 1480, and as being called to the degree of the coif at the end of Trinity Term, 1494, 9 Henry VII. During the whole of that reign he had a considerable share of practice, and on October 30, 1500, was made one of the king's serjeants.

Within a month after the accession of Henry VIII., viz. on May 21, 1509, he was placed in the King's Bench as sole puisne judge, and was knighted. The number of judges was afterwards increased; and Sir Humphrey retained his place among them for a very extended period, his seat not appearing to be supplied till the appointment of John Spelman in the middle of 1532.[1]

He resided, and according to Clutterbuck was buried, at Aldenham in Hertfordshire; but that author evidently errs in dating his death in 1551. By his wife, who was a daughter of — Ferebie of Lincolnshire, he left three sons and four daughters. William, his second son, was for a short time a judge of the King's Bench; and the descendants of John, his third son, were settled at Mimms in Hertfordshire. Thomas, his eldest son, of Hampton Court in Herefordshire, was the direct ancestor of Thomas Coningsby of that place, who was raised to the Irish peerage by William and Mary in 1693, by the title of Baron Coningsby of Clanbrassel, and

[1] Dugdale's Chron. Series.

advanced to an English barony in 1715, and to the Earldom of Coningsby in 1719. The first title failed in 1729 by the death of his grandson Richard without issue; but the last two titles being limited to Margaret, his daughter by a second wife, survived till 1761, when she died leaving no surviving issue.[1]

CONINGSBY, WILLIAM.

Just. K. B. 1540.

William Coningsby, the second son of the above-named Humphrey, was educated at Eton, and King's College, Cambridge, whither he went in 1497. Following his father's profession, he became a member of the Inner Temple, where he was reader in Lent, 1519, and again in Lent, 1526. He was treasurer of the society in the latter year, and one of its governors as late as 1538. He must have had an early reputation as a lawyer, as he was named in June, 1529, a commissioner to assist Cardinal Wolsey in hearing causes in Chancery.

After holding the office of one of the prothonotaries of the Court of Common Pleas, he was selected on July 5, 1540, to be a judge of the King's Bench, having in the previous Trinity Term been called to the degree of the coif. It would seem that he sat little more than four months, and that Edward Mervin succeeded him on November 20. He is not among the judges summoned to parliament in the following year.[2]

He resided at Eston Hall, Wallington in Norfolk. By his wife, who was a daughter of — Thursby of that county, he had an only son, Christopher, who married a daughter of Sir Roger Wodehouse, and was killed at Musselburgh in

[1] Chauncy, 461.; Clutterbuck, i. 444.; Blomefield's Norfolk, vii. 413.

[2] Dugdale's Orig. 163. 170. 172.; Chron. Ser.; Rymer, xiv. 738.

Scotland. His daughter Margaret was married to Robert Alington of Horseheath.[1]

CROMWELL, THOMAS, LORD CROMWELL, EARL OF ESSEX.

M. R. 1534.

THE first layman who was advanced to the office of master of the Rolls was Thomas Cromwell, who could scarcely be recommended to it by his legal attainments, since his entire connection with the law was confined to his admission as a student of Gray's Inn. It was one of those numerous preferments with which his capricious master loaded him during a period of ten years, as if to give more point to his disgrace and make his fall the greater. He was born towards the latter end of the previous century, at Putney, where his father Walter Cromwell carried on the business, first of a blacksmith, and then of a brewer. His mother, after Walter's death, was married to a cloth-sheerer in London. His education was that of his class; but his activity and intelligence were great, and early in life he had the advantage of going abroad, in what capacity is not known. During this period he so improved his opportunities, that he mastered several foreign languages, and acquired that aptness in the conduct of affairs for which he was afterwards distinguished. There is no evidence of his having been brought up to any settled profession; but he seems, from a letter addressed to him by Cecily, Marchioness of Dorset, commencing "Cromwell, I woll that you send to me," &c.[2], to have been at one time in the household of that lady.

While at Antwerp, he was retained by the English merchants there, to be their clerk or secretary; and during his employment in their affairs he became acquainted with Sir Richard Gresham, the father of the founder of the Royal

[1] Chauncy, 363.; Clutterbuck, i. 444.; Wotton's Baronet. i. 172.

[2] Ellis's Letters, 1st ser. i. 218.

Exchange.[1] Whether this took place before or after his admission to Gray's Inn in 1524 is uncertain; but there is no doubt that he afterwards went to Rome, since he was present as a soldier at the sacking of that city in May, 1527, under the Duke of Bourbon. He is represented as having been engaged at Antwerp by two persons from Boston in Lincolnshire, to accompany them and endeavour to obtain from the pope a renewal of the indulgences granted to the guild of our Lady in their church of St. Botolph, and as having succeeded by gratifying his Holiness's palate with some dainty jellies made after the English fashion.[2]

While in Italy he assisted John Russell, afterwards created Earl of Bedford, and then employed by King Henry in fomenting the war, in escaping from the hands of the French at Bologna.

Returning to England, Cromwell was admitted into the family of Cardinal Wolsey, who had met him in France and at once appreciated his abilities. What office he held in that household does not clearly appear. The first mention made of him by Cavendish, the Cardinal's biographer, is when "Mr. Crumwell" urged the claims of Wolsey's servants upon him one day at dinner at Ashur, a few weeks after his disgrace. It is stated by some that Wolsey made him his solicitor; but the meaning of the term is not given, and, though it may be presumed that it was one known in the law, as a king's solicitor had been appointed from the commencement of the reign of Edward IV., it was certainly never applied to advocates in general, nor was it as yet in common use in the other branch of the profession.[3]

[1] Burgon's Gresham, i. 218.

[2] Fox makes these the indulgences granted by Pope Julius in 1510. It seems more probable that the date should be 1526, when they were confirmed by Pope Clement VII.

[3] Mr. Maugham, in his Law of Attorneys, &c., p. 13., says that "the first mention of solicitors to be found in the statutes is in 3 James I., c. 7.;" but it is clear from that act that it was not then a new designation.

In the two years that he was retained in the Cardinal's family he made himself eminently useful, assisting Wolsey in many important matters, and particularly in the foundation of his colleges at Ipswich and Oxford. This short service was sufficient to create so great an affection as to prompt him to come boldly forward, apparently at the risk of the king's displeasure, in defence of his fallen master. Having procured a seat in the House of Commons, "there was nothing" to use Cavendish's words, "at any time objected against my lord, but he was ready to make answer thereunto; by means whereof he being earnest in his master's behalf, was reputed the most faithful servant to his master of all other, and was generally of all men highly commended." When the bill of impeachment was sent down to the Commons, "against it Master Cromwel did inveigh so discreetly and with such witty persuasions, that the same would take no effect." It is impossible, however, considering the general subserviency of parliament, not to believe that he had received some encouragement from the king, before he ventured on this opposition.

That he had then access to his Majesty is manifest from his being sent on various comforting messages to Wolsey, among which was the communication of the royal intention to give 10,000*l.* when the cardinal was going into the North. It does not appear that Cromwell accompanied Wolsey thither; nor is his name again mentioned in Cavendish's memoir. He was almost immediately taken into the king's service. Wolsey died on November 29, 1530; and in less than eighteen months Cromwell had made himself so serviceable to the king as one of his councillors, that he was rewarded with the post of master and treasurer of the king's jewels, his patent for which is dated April 14, 1532.[1] This early instance of the royal favour is attributed to his having

[1] Auditor's Patent Book, i. 130.

pointed out to the king the premunire into which the whole body of the clergy had fallen, by their breach of the Statute of Provisors, and his being thus the cause of obtaining, as a compromise for their offences, 100,000*l.* from the province of Canterbury, and 18,840*l.* from that of York, besides a recognition in convocation of the title which the king had assumed, of supreme head of the Church in England.

Stow tells a story which charges Cromwell with making an oppressive use of the power he had thus attained. "On the south side," says he, "and at the west end of this [the Augustine Friars'] church, many fair houses are built; namely, in Throgmorton Street, one very large and spacious, built in the place of old and small tenements by Thomas Cromwell, master of the king's jewel-house. This house being finished, and having some reasonable plot of ground left for a garden, he caused the pales of the gardens adjoining to the north part thereof on a sudden to be taken down, twenty-two feet to be measured forth right into the north of every man's ground, a line there to be drawn, a trench to be cast, a foundation laid, and a high brick wall to be built. My father had a garden there, and a house standing close to his south pale; this house they loosed from the ground, and bare upon rollers into my father's garden twenty-two feet ere my father heard thereof; no warning was given him, nor other answer, when he spake to the surveyors of the work, than that master Sir Thomas commanded them so to do; no man durst go to argue the matter, but each man lost his land, and my father paid his whole rent, which was 6*s.* 8*d.* the year, for that half which was left. Thus much of mine own knowledge have I thought good to note, that the sudden rising of some men causeth them to forget themselves."[1]

It is not unlikely that there is some exaggeration in this tale, since Cromwell on other occasions showed a grateful

[1] Thoms's Stow, 67.

and a feeling heart, remembering in his prosperity the services he had received when he was poor. While a soldier in Italy charitable assistance had been afforded him by a Florentine merchant named Frescobald, who some years afterwards falling into penury, and being found by Cromwell in a distressed condition in the streets of London, was relieved from his misery and nobly requited. At the gate of this very house also, in Throgmorton Street, which is now the site of Drapers' Hall, two hundred persons were served with bread, meat, and drink twice a day, when Cromwell had the means to be bountiful.

In the course of the same year he received the profitable office of clerk of the Hanaper; and on April 12, 1533, the still more important one of chancellor of the Exchequer.[1] It was about this time that Sir Thomas More gave him that excellent advice which it would have been well for him to have followed, and which was dictated probably by the great man's suspicions that Cromwell was the prompter of those ecclesiastical questions which were then being agitated. After communing together on a message Cromwell had delivered from the king, Sir Thomas, who had lately resigned the chancellorship, said to him, "Mark, Cromwell, you are now entered into the service of a most noble, wise, and liberal prince; if you will follow my poor advice, you shall, in your counsel-giving to his grace, ever tell him what he *ought* to do, but never what he is *able* to do. . . . For if a lion knew his own strength, hard were it for any man to rule him."[2] Before the end of the following year he was made master of the Rolls on the retirement of Dr. John Taylor, his patent being dated October 8, 1534[3], having previously been appointed principal secretary to the king. In the next year he was nominated visitor-general of the monasteries, under

[1] Rymer, xiv. 456.

[2] Singer's Roper, 55.

[3] Pat. 26 Hen. VIII., p. 2.

the pretence of correcting the known abuses in them, but in fact to lay the foundation of their ultimate dissolution.

There can be no doubt that Cromwell was an early convert to the reformed opinions; and he is said even in his journey to Rome to have learned by heart Erasmus's translation of the New Testament. He had assisted Wolsey, and probably enriched himself, in the suppression of those minor religious houses which were required for the endowment of the cardinal's two colleges, and thus had led the way to that sweeping annihilation of all monastic establishments which a few years saw completed, and in the execution of which he was also a principal instrument. He had also encouraged the writers and promoted the circulation of ballads and books ridiculing the pope and all popish idolatry.[1] His name therefore was naturally held in utter detestation by all those who adhered to the old religion; and every species of wickedness and cunning was charged upon him. We must consequently be cautious in adopting the terms of vituperation with which writers of that church assail his character, and hesitate to give full credit to all the stories they tell to his disadvantage. At the same time there is no doubt that his zeal in the king's service, strengthened possibly by his own convictions of the inutility, if not the evils, of those establishments, betrayed him into measures which even now have the appearance of harshness, making no distinction between well-conducted houses and those which were a pest and a nuisance, nor discriminating between the virtuous and the guilty, but involving all in one common ruin. The personal grants also that he obtained out of the religious plunder, of course occasioned, and perhaps justified, the imputation that avarice had a share in prompting his energetic proceedings. And yet, while doubting his motives in reference to these acts of severity, it would be unjust not to advert to that

[1] Maitland's Reformation, 236.

conduct which seems to result from the real feelings of his nature, his tenderness towards Sir Thomas More. He was one of those who urgently pressed the king to exclude the name of Sir Thomas from the bill of attainder in connection with "the holy maid of Kent;" and he it was who sent the comforting message to the fallen chancellor, that he had succeeded. In the examinations which took place as to the oath of supremacy and matrimony, in which Cromwell was a necessary actor as the king's secretary, he exerted himself to save Sir Thomas, by whose own account it appears that he "sware a gret othe, that he had leuer that his own onely sonne (which is of trouth a goodly young gentilman, and shall I trust come to much worship) had lost his hedde than that I should thus have refused the oth." In other letters also Sir Thomas More speaks of Cromwell in terms of gratitude.[1]

After holding the office of master of the Rolls for somewhat less than two years, he resigned it on July 2, 1536, for the more elevated one of keeper of the Privy Seal [2], and on the 9th of the same month he was raised to the peerage by the title of Baron Cromwell of Okeham in the county of Rutland. This creation was no doubt made to give greater weight to a higher dignity which was reserved for him. The king having thrown off his obedience to the pope, and assumed the rule in all ecclesiastical matters, required a representative to conduct the business which thus devolved upon him. To this duty he appointed Cromwell on July 18, with the title of vicar-general and vicegerent, in which character he sat in synods and convocations above the whole prelacy of the kingdom,— a position which a layman could scarcely be deemed competent to fill. Even in parliament precedence was allotted to him not only above all peers, but above the great officers of the crown.

[1] Singer's Roper, 114—158.

[2] Rymer, xiv. 571.

It is curious that though Cromwell was never admitted into holy orders, the king in this very year, as if for the purpose of investing him with some ecclesiastical character, presented him with the prebend of Blewbury, in the church of Salisbury [1], and in the following with the deanery of Wells [2], — preferments which he held till his death.

The proceedings which he took in the quality of vicar-general belong more to the history of the Church than to this biography. Suffice it to say that, steering wisely between the conflicting opinions of the king, who while he repudiated the pope's authority retained the principal points of the old religion, Cromwell discouraged the obnoxious practices of popery, as the worship of images, &c., and served the cause of the Reformation most effectually by directing the Lord's prayer, the Creed, and the Commandments to be taught to children in their mother-tongue, and by ordering a bible in English to be placed in all churches for the parishioners to read at their pleasure. To prevent the publication of corrupt copies of the Holy Scriptures, a patent was afterwards granted to him which prohibited all persons from printing an English edition except those who were deputed by him.[3] To him also is to be attributed the useful introduction into each parish of a register of births, marriages, and deaths.

The rapid elevation of a man of so obscure an origin naturally disgusted the nobles; his efforts in suppressing the monasteries, and in promulgating the king's supremacy and the new tenets, created murmurs against him by a large portion of the clergy; and the extravagance with which the produce of the confiscated abbeys was wasted, together with the demands which he was in consequence compelled to make on both clergy and laity to supply the deficiency in the king's coffers,

[1] Rymer, xiv. 569.
[2] Rymer, xiv. 650.
[3] Le Neve, 36.

rendered him an object of odium in the eyes of all but the king, who, benefiting by his exertions, appreciated his zeal and capacity, and estimated them at a higher value from his resolute defiance of the unpopularity that followed him. He was accordingly rewarded with munificent grants of manors and lands which had belonged to the dissolved houses, a list of which is given in Dugdale; and additional dignities were conferred upon him, among which was the office of chief justice of the Forests beyond the Trent.[1]

With these continued proofs of the royal favour he might still have disregarded the efforts of his enemies, had he not in his anxiety to support his position taken a step which alienated the affections of his only friend. The king's avowed adherence to the ancient doctrines of the Church had encouraged those who continued to be attached to them; they were gradually obtaining an ascendancy in the royal councils; and the advocates of the reformed tenets were consequently placed in a difficult dilemma. Cromwell could not but see the danger that hung over him; and deeming that his party would resume its power if it had the support of a Protestant queen, he recommended, in an evil hour to himself, the princess Anne of Cleves as the new partner of the royal bed. The disgust taken by the king to this lady from his first introduction to her is well known; and Cromwell soon became the victim of his resentment. He did not, however, immediately betray his purpose, but on the contrary heaped upon the devoted statesman higher honours. The marriage with Anne of Cleves was celebrated on January 6, 1540; and on April 17 Cromwell was created Earl of Essex[2], which was immediately followed by his admission into the order of the Garter, and

[1] Auditor's Pat. Book, i. 172.

[2] Sir Harris Nicolas (Synopsis of the Peerage, 221.) places this creation on April 17, 1539; but the patent is in 31 Hen. VIII., which beginning on April 22, 1539, April 17 in that regnal year must have been in 1540.

his appointment to the office of lord high chamberlain of England.

It would almost seem that Cromwell was raised to this high pinnacle of greatness for the mere purpose of gratifying the capricious malice of the tyrant; for within two months after his elevation to the earldom he was suddenly arrested at the council table on June 10, on charges which must have been for some time in preparation. The principal crime alleged against him was heresy and the encouragement of heretics; and this was embellished with accusations of having spoken heinous words against the king two years before. In order that he might not have an opportunity of answering, a bill of attainder was hurried through the parliament, in pursuance of which he was beheaded on Tower Hill on July 28.

Whatever were the faults attached to Cromwell's character, no one had less cause to complain of them than King Henry. Zealously devoted from his first introduction at court to the royal interests, disregarding public obloquy in his efforts to promote them, and evidencing by all his acts the most sincere affection for his master, his death by that master's hand adds a deeper shade to the aversion with which the whole of Henry's career after the death of Wolsey must ever be regarded.

Archbishop Cranmer, the only one of Cromwell's adherents who had the courage to come forward in his defence, wrote a letter to the king, which in its exposition of the claims the fallen favourite had on the royal mercy would have staggered a less obdurate heart; but both that and the humble and affecting letter of Cromwell himself, though it moved the king to tears, were unavailing.

It would seem, however, that when it was too late the capricious king regretted the haste with which he had sacrificed his active minister; and there is an evident proof of his "compunctious visitings" in his patent dated on the 18th

of the following December, granting to Cromwell's son Gregory the barony which his father had held. This barony survived through seven generations. The fourth baron was created in 1625 Viscount Lecale and Earl of Ardglass in Ireland. On the death of Vere Essex Cromwell, the seventh baron and fourth earl, in 1687, the Irish titles became extinct, as did also the title to the English barony under the above patent. Sir Harris Nicolas, however, suggests that inasmuch as Gregory Cromwell was summoned by writ as Lord Cromwell when his father was created Earl of Essex, the right to the barony under that writ is vested in the descendant of Elizabeth the daughter of the seventh baron, married to Richard Southwell, who is the present Lady de Clifford; but the probability rather is that the writ of 1540 was a mere summons to Gregory as his father's eldest son, to sit during his father's life,—a supposition to which the new patent, which would have been otherwise unnecessary, gives weight.

The Protector Oliver Cromwell was a descendant from Thomas Cromwell's sister, who married one Williams, and whose son Sir Richard Williams, one of King Henry's Privy Chamber and afterwards constable of Berkeley castle, assumed the surname of Cromwell, and was the great-grandfather of Oliver.[1]

DANASTER, JOHN.

B. E. 1538.

IN Dugdale's list of the governors of Lincoln's Inn, the name of John Danaster occurs five times from 21 to 31 Henry VIII., 1529—1539; and in the last year he is called "Baro Scacc." In the Chronica Series, however, the name is not inserted among the barons; but in a list kindly supplied by Mr.

[1] Herbert's Hen. VIII., in Kennett's Complete History; Dugdale's Baron. ii. 370.; Weever, 505.; Nicolas's Synopsis; Chalmers's Biog. Dict. &c.; Fox, in Wordsworth's Ecclesiast. Biog.

Adlington, an officer of the Exchequer, John Banester appears on Michaelmas Term, 1538, as third baron, who is also omitted in Dugdale's list. There can be no doubt that the same individual is intended in both cases; and the preference must be given to Dugdale's account, not only because the name of Danaster is so often repeated, for it appears that he was also a reader at Lincoln's Inn in autumn, 1530, and again in Lent, 1535, but also because he is specially mentioned with the title as one of the commissioners for receiving the indictment against Henry Pole, Lord Montacute, on November 29, 1539, preserved in the "Baga de Secretis." The omission of the name in Dugdale's Chronica Series arose no doubt from the short period during which Danaster sat in the court; for Mr. Adlington inserts Nicholas Luke as his successor as third baron in Easter, 1540.[1]

DENNY, EDMUND.

B. E. 1513.

EDMUND or, as he is sometimes called, Edward Denny was a clerk in the Exchequer, from which he was first raised in 20 Henry VII., 1504, to the office of king's remembrancer, and next in 5 Henry VIII., May 6, 1513, to that of fourth baron. He continued on the bench till his death in 1520.

Besides a daughter Martha, who was married to Sir Wymond Carew of Antony in Cornwall, he had a son Anthony, who, being a gentleman of the Privy Chamber in the king's last illness, had the courage to apprise him of his approaching dissolution. Anthony's grandson Edward was summoned to parliament as Baron Denny in 1604; and in 1626 he was created Earl of Norwich; but the latter title became extinct at his death without male issue in 1630, and the barony failed on the death of his daughter Honoria and her husband, James Hay, Earl of Carlisle, without children.

[1] Dugdale's Orig. 251. 259.; 3 Report Pub. Rec., App. ii. 256. 258.

The lineal descendant of a younger son of Anthony, named Barry Denny of Tralee Castle in the county Kerry, was created a baronet of Ireland on January 15, 1782; and his grandson is the present possessor of both title and estate.[1]

DERBY, ARCHDEACON OF. *See* J. TAYLOR.

DURHAM, BISHOPS OF. *See* T. WOLSEY, C. TUNSTALL.

ELIOT, RICHARD.

JUST. C. P. 1513.

RICHARD ELIOT was allied to the ancient family of that name first seated in Devonshire and afterwards in Cornwall, a member of which was raised to the peerage in 1784 as Baron Eliot of St. Germains, whose son was created Earl of St. Germains in 1815. Richard pursued the study of the law at the Middle Temple, and is first noticed in the Year Books as an advocate in 8 Henry VII. In the nineteenth year of that reign, 1503, he took the degree of the coif, and is one of the three whose names are mentioned in the record of the proceedings taken on that occasion by his inn of Court, in which he was autumn reader in the preceding year. On July 19, 1506, he was appointed one of the king's serjeants, his patent for which was renewed on the accession of Henry VIII. On April 26, 1513, he was raised to the bench of the Common Pleas, and exercised his judicial duties there for about nine years, the last fine acknowledged before him being dated in February, 1522. By his will he directed his body to be buried in the cathedral of Salisbury, of which church Robert Eliot, perhaps his son, died subdean in 1562.[2]

[1] Dugdale's Baron. ii. 419.; Chron. Ser.; Wotton's Baronet. ii. 232.; Burke's Peerage, 286.

[2] Brydges's Collins's Peerage, viii. 3.; Dugdale's Orig. 47. 113. 215.

ELLIS, WILLIAM.

B. E. 1523.

WILLIAM ELLIS was of a respectable Norfolk family, his father Thomas, who died in 1487, having been thrice mayor of Norwich, and once its representative in parliament. William was a member of Lincoln's Inn, where he became a reader in Lent, 1502. As his name does not appear among the advocates of the time, he probably held some office in the Exchequer before he was made a baron of that court. Dugdale defers his appointment till Michaelmas, 1527; but positive evidence exists of his holding the office four years before, for he is so named in the list of the judges, &c. who were assessed to the subsidy in November 1523. He continued on the bench till 1536, when he was succeeded by Thomas Walshe.

He was lord of the manor of Attlebridge in Norfolk, where his son William, whom he had by Elizabeth his wife, lies buried.[1]

ENGLEFIELD, THOMAS.

JUST. C. P. 1526.

THE extreme antiquity of the Berkshire family of Englefield was noticed in the account of William de Englefield, a justicier in the reign of Henry III. In regular descent from him came Sir Thomas Englefield, justice of Chester, and twice speaker of the House of Commons, who died about 1514, leaving by his wife Margery, daughter of Sir Richard Danvers of Prescot, a large family. His second son was Thomas the judge, who on the death of his elder brother without issue succeeded to the inheritance, having previously selected the law as his profession, and pursued his studies at the Middle Temple.

[1] Blomefield's Norwich, ii. 199.; Dugdale's Orig. 250.; Chron. Series; Certificate, 15 Hen. VIII., of Subsidy, in Carlton Ride.

Five years after his father's death, he was called upon to fill the office of sheriff of Berkshire and Oxfordshire; and in autumn of the following year, 1520, he became reader at his inn of court. In Trinity term of the next year, he was one of ten who were called to the degree of the coif, and on December 3, 1523, he was advanced to be king's serjeant, at the same time receiving a grant of 100*l.* a year for life.

Of his promotion to the bench as a judge of the Common Pleas, the patent has not been found; but, though Dugdale names him, from the date of the first fine levied before him, in January, 1527, it is certain from the Year Books that he sat as judge in the previous Michaelmas, 18 Henry VIII. He probably was the successor of Lewis Pollard. He was knighted at the same time.

His judgments are recorded in the Year Books, and in the reports of Keilwey and Dyer; and they show that he performed the functions of his office till his death, which took place on September 28, 1537. To his judicial duties were added those of master of the King's Wards, which he held in conjunction with Sir William Paulet. He was buried at Englefield, where there is a brass memorial of him in his robes, and of his wife Elizabeth, daughter of Sir Robert Throgmorton of Coughton, Warwickshire. By her he had three sons and nine daughters, one of the latter of whom was the second wife of Chief Baron Sir Edward Saunders.

His eldest son Francis lost the paternal estate by attainder for high treason, in 35 Elizabeth. His second son, John, seated at Wootton Basset, was the father of another Francis, who was created a baronet by James I. in 1612,—a title which expired on March 21, 1822, by the death of the seventh possessor without issue.[1]

[1] Wotton's Baronet. i. 254.; Dugdale's Orig. 47. 215.; Chron. Series; Kal. of Exch. i. cxxxix.

ERNLE, JOHN.

Ch. C. P. 1519.

Ernle, a manor near Chichester in Sussex, gave its name to a family which flourished there before the reign of Edward I., one member of which represented that county in parliament in 4 Edward III. John Ernle was the second son of John Ernle of Ernle, and Agnes, daughter and heir of Simon Best, who brought him her mother's inheritance of the manor of Etchilhampton in Wiltshire. Selecting the law as his profession, he was made solicitor-general on July 12, 1507; and on April 28, 1509, a few days after the accession of Henry VIII., he was promoted to the attorney-generalship, which he occupied till he was raised, as the successor of Sir Robert Read, to the chief seat of the Court of Common Pleas on January 27, 1519, whereupon he received the honour of knighthood. He did not enjoy his presidency much above two years, his death occurring before April 13, 1521, when his place was supplied by Sir Robert Brudenell.[1]

In 2 Henry VIII. he had succeeded his elder brother William in the possession of the family estates; and residing in the mansion house at Ernle, he contributed much to the repair of the neighbouring cathedral of Chichester, as well as to that of his own parish church, where his remains lie under a monument still existing. Wotton[2] states that he had four daughters and two sons, William and John, by his wife Anne, daughter of Constantine Darel, Esq., of Collinbourne, Wilts. But if so, he must have had a second wife, as a brass was found a short time ago in the river Thames, near Chelsea, with the following inscription:—"Here liethe Margaret, late the Wyffe of John Ernele, knight, Cheffe Justice of the Common Place, Doughtr of Edmund Dawtry, Esquier, which dyed the

[1] Dugdale's Chron Series.

[2] Baronetage. iii. 217.

xviii day of August, the yeare of õ lord god mv^{c}xviii, on whose sowle Jhu have m̃cy."[1]

From his second son, John, descended Sir John Ernle, knight, chancellor of the Exchequer to Charles II.; and also Walter Ernle, of Etchilhampton, who in 1660 was created a baronet,— a title which became extinct on the death of the seventh possessor in 1787.

ESSEX, EARL OF. *See* T. CROMWELL.

FAIRFAX, WILLIAM.

JUST. C. P. 1509.

WILLIAM FAIRFAX was the eldest son of Sir Guy Fairfax of Steeton Castle in Yorkshire, the judge of the King's Bench in the last four reigns.[2] He pursued his father's profession, and probably received his legal education in the same school, Gray's Inn. Before his father's death he was elected recorder of York, in 1489[3], and was engaged as counsel for Sir Robert Plumpton in 1490[4], after which, though he is frequently mentioned in the Year Books, it was not till November, 1504, that he was called to the degree of the coif. Soon after the accession of Henry VIII. he was made a judge of the Common Pleas. His patent has not been found; but the first fine levied before him was in Easter Term of the first year, which commenced on April 25, 1509. His death occurred about the same season in 1514, when his place was filled by Lewis Pollard.[5]

His wife, Elizabeth, one of the three daughters of Sir Robert Manners ancestor of the Duke of Rutland, brought him an only son, William, whose grandson Thomas was created Baron Fairfax of Cameron in Scotland by Charles I. in 1627.

[1] Archæol. xxxiii. 349. The Rev. John Burgon has given me a precise copy of the inscription.

[2] Antè, p. 48.

[3] Drake's York, 368.

[4] Plumpton Corr. 101. 210.

[5] Dugdale's Orig. 47.; Chron. Ser.

The Parliamentary general who defeated that unfortunate monarch at Naseby in 1645 was the third lord. Bryan the eighth baron, resident in America, proved his title in the House of Lords, May 6, 1800; but his descendants have not claimed it.[1]

FINEUX, JOHN.

CH. K. B. 1509.

See under the Reign of Henry VII.

CAMDEN states that Swingfield in Kent was bestowed on the ancestor of Sir John Fineux by T. Criol, a great lord in that county about the reign of Edward II.; and Leland describes the gift as being the reward given by Criol for his deliverance from a French prison by the aid of Finiox, who was his gaoler. Hasted adds that the manor of Boynton in the parish of Swingfield, and perhaps that of North-court, was given by Nicholas Criol in 3 Richard II., to John Fineaux, in gratitude for saving his life at the battle of Poictiers.

Sir John was one of three sons of William Fineux, of Swingfield, by a daughter of —— Monyngs[2]; and, taking Fuller's authority that he was eighty-four years of age when he died, he must have been born about 1441. By this account, which Fuller had from a member of the family then living, it appears that Sir John was twenty-eight before he took to the study of the law; that he followed that profession twenty-eight years before he was made a judge, and that he continued a judge for twenty-eight years. As the fact nearly corresponds with the last of these periods, some reliance may be placed on the tradition with regard to the other two; in which case his legal studies commenced about the year 1469, 9 Edward IV. The inn of Court to which he belonged is not ascertained, nor does his name appear in the

[1] Biog. Peerage, iii. 249.; Notes and Queries, 1st S., ix. 156.

[2] Harl. MSS. 1548. fo. 61. Add. MSS. 5507. fo. 90., from Visitation of 1574.

Year Books till 1485, 1 Henry VII., when he was called serjeant at law; but David Lloyd states that he was steward of 129 manors at once, and counsel to sixteen noblemen. He also reports that he was a very able and eloquent pleader, and so indefatigably laborious in his profession that he left behind him twenty-three folio volumes of notes, and 3502 cases he had managed himself. He used to say that "we should not complain we have little time; but that we spend much either in doing nothing, or doing evil, or in doing nothing to the purpose."[1] The motto he selected for his serjeant's ring (the first recorded instance of its use) was, "suæ quisque fortunæ faber."[2]

He owed his elevation to the bench to his bold opposition to the imposition of the tenth penny. "Let us see," said he, "before we pay anything, whether we have anything we can call our own to pay." The king, when Archbishop Morton resisted his advancement as being an encouragement of the factious, more wisely suggested that "so noble a patriot would be an useful courtier, and that one who could do so well at the bar might do more at the bench." He was accordingly made a judge of the Common Pleas on February 11, 1494, 9 Henry VII., and gave so much satisfaction in that court that in less than two years he was promoted to the office of chief justice of the King's Bench, succeeding Sir William Huse on November 24, 1495. During the remainder of the reign, and for the first sixteen years of that of Henry VIII., he retained his high position with an unblemished reputation both as a lawyer and a man.

In the seventeenth year, 1525, he died; but in what month does not appear. His remains were deposited in Canterbury cathedral.

He is represented as a person of great piety, though of a very cheerful temper and conversation; and as being hospi-

[1] State Worthies, 81—86.

[2] Antè, p. 16.

table, generous, and humane. He was a considerable benefactor to the Augustine friars and the priory of Christchurch in Canterbury, and also to the abbey of Faversham; and it tells well of his character that Archbishop Morton, who had opposed him, made him his executor, and that he was nominated to the same duty under the will of Henry VII.

During his long continuance in office, he largely increased his possessions in his native county, partly by marriage and partly by purchase. Among the latter was the manor of Hawe, in the parish of Herne, where he erected a "faire house," in which he resided at the time of his death. The inn of Chancery now called New Inn is said to have belonged to him, and to have been let by him to the students there when they first removed from St. George's Inn, at the rent of 6*l.* per annum.[1]

He was twice married. His first wife was Elizabeth, daughter and heir of William Appulderfeld, Esq., with whom he received various rich manors, which were divided between the two daughters he had by this lady. Jane, the eldest of them, married John Roper, prothonotary of the King's Bench, and afterwards attorney-general, one of whose sons was William the biographer of Sir Thomas More, and another was Christopher the father of Sir John Roper, created in 1616 Baron Teynham, a title which is still held by one of his descendants. Mildred the other daughter became the wife of John Digges, Esq., of Barham, the ancestor of Sir Dudley Digges, master of the Rolls in the reign of Charles I.

Sir John Fineux's second wife was Elizabeth, widow of William Cleere, and daughter of Sir John Paston, grandson of William Paston the judge in the reign of Henry VI. She survived the chief justice for several years, and in her will, dated in 1539, mentions her son William Fineux, who was

[1] Dugdale's Orig. 230.

their only child. William died in 1557; and his will names two sons, John and Christopher [1], with whom the male succession of that branch of the family concluded: but Elizabeth, the only daughter of John, married Sir John Smythe, of Ostenhanger in Kent, whose son Sir Thomas in 1628 was created Viscount Strangford in Ireland, to which was added the English title of Baron Penshurst in 1825, so that the chief justice is doubly represented in the House of Lords by peerages issuing from each of his marriages.[2]

FISHER, JOHN.

JUST. C. P. 1509.

See under the Reign of Henry VII.

FROM Osbernus Piscator, holding lands in Bedfordshire in the time of Edward the Confessor, Sir John Fisher, who possessed property at Clifton in the same county, is said to be descended.[3] Very little information is to be gleaned concerning him, the first time his name occurs being when he was made king's serjeant at law on June 30, 1486. From that period the Year Books frequently mention him as an advocate, till he was constituted a judge of the Common Pleas on November 3, 1501.[4] In the summer preceding he acted as a judge on the circuit at Nottingham and Derby [5], as serjeants then commonly did, and still frequently do. Fines continued to be levied before him till the end of the reign, in the 19th year of which he was a trier of petitions in the parliament then assembled, and was appointed one of the commissioners for the county of Bedford to collect the subsidy imposed by it.[6]

[1] Testam. Vetust. 686. 746.
[2] Fuller's Worthies, i. 500.; Hasted's Kent, vi. 141.. vii. 122., ix. 87. 454.
[3] Burke's Landed Gent., Suppl. 126.
[4] Dugdale's Chron. Ser.
[5] Plumpton Corr. 159. 161.
[6] Rot. Parl. vi. 521. 535.

Although he received a new patent on the accession of Henry VIII., in which he is designated as a knight, his name does not appear afterwards, his death occurring in the next year.

FITZ-HERBERT, ANTHONY.

Just. C. P. 1522.

Norbury, a manor in Derbyshire, was granted in 1125, by William, prior of Tutbury, to William Fitz-Herbert, in the possession of whose descendants it has remained from that time to this. Anthony Fitz-Herbert was the sixth and youngest son of Ralph Fitz-Herbert the twelfth lord, by Elizabeth, daughter and sole heir of John Marshall of Upton in Leicestershire; and by the death of all his brothers without male issue, he eventually succeeded to the paternal estate, as fourteenth lord.

Anthony Wood claims him as a member of the university of Oxford, but is not able to say of what college; and the place of his legal education is equally uncertain, though, from the insertion of his arms in the window of Gray's Inn Hall, that society evidently adopts him. It is more surprising that there should be any difficulty in tracing the academical home of so eminent and learned a lawyer, than that any school should desire to be considered as having guided his studies. Although his name does not appear in the courts till some time after he was called to the degree of serjeant in Michaelmas Term, 1510, it is evident that he had been long industriously employed in the composition of his laborious work, "The Grand Abridgment," containing an abstract of the Year Books till his time, the first edition of which was published in 1514. On November 24, 1516, he was made one of the king's serjeants, and about the same time he received the honour of knighthood. In less than six years his elevation to the bench as a judge of the Common Pleas took place, when

he apparently succeeded Richard Eliot, whose last fine was in Hilary Term, 1522, while the first acknowledged before Fitz-Herbert was in the next Easter. He sat in this court for the remainder of his life, a period of sixteen years.

From Dugdale's list of fines (Orig. 47.), it might be supposed that he left the bench about Easter, 21 Henry VIII., 1529; but Dyer and other reporters prove that he continued on it till the term in which he died. The absence of his name on the fines arose probably from his frequent occupation on the king's affairs. He was one of the commissioners sent to Ireland, and a visitor of the monasteries; and during the latter period of his career his name appears more prominently in connection with the political events of the time. His signature is the last but one of the seventeen subscribers to the articles of impeachment against Cardinal Wolsey [1]; and he was one of the commissioners appointed on the trials both of Sir Thomas More and Bishop Fisher. Notwithstanding the disgust which the conviction of these two excellent men universally excited, Fitz-Herbert's reputation sustained no blemish, the world knowing that his being joined in the commission was an act that he could not prevent, and that his interference with the will of the arbitrary despot would have been both useless and dangerous. His judicial character had been raised by his having allowed bills for extortion against Wolsey while in the height of his power, to be found before him at York, for which he suffered the cardinal's rebuke [2]; and his legal reputation had continued to increase, not only from the sound judgments he pronounced, but from the useful and learned works with which he followed his early undertaking. The subjoined list of them will show that his labours were not confined to professional enquiries, but extended to

[1] Lord Campbell miscalls him Chief-Justice.—*Chancellors*, i. 539.

[2] State Trials, i. 377. 380. 387 398.; Hall's Chron. 685.

subjects of general interest, and aimed at instructing all mankind.

2. The Office and Authority of Justices of the Peace.

3. The Office of Sheriffs, Bailiffs of Liberties; Escheators, Constables, and Coroners.

4. The Diversity of Courts.

5. The new Natura Brevium.

6. Of the Surveying of Lands.

7. The Book of Husbandry.

Sir Anthony died, as appears by his epitaph in the church at Norbury, on May 27, 1538. In his last moments it is said that, distressed at the political and religious changes which were then proceeding, he enjoined his children, by a solemn promise, never to accept a grant, or to make a purchase, of any of the abbey lands. He was twice married. By his first wife, who was Dorothy, daughter of Sir Henry Willoughby of Wollaton, Notts, he had no issue. By his second wife, Matilda, daughter and heir of Richard Cotton of Hampstall-Ridware in Staffordshire, he left several children. The present representative of the family, after a regular descent of more than seven hundred years, is Thomas Fitz-Herbert, Esq., of Norbury and of Swimmerton, a manor which was acquired by the marriage of one of Sir Anthony's sons.[1]

The Fitz-Herberts of Tissington in Derbyshire, one of whom received a baronetcy in 1748, which still flourishes, and another of whom was created Lord St. Helen's, a barony which expired with the first possessor, are of a different but equally ancient family, which, however, became connected with the Fitz-Herberts of Norbury by marriage with one of the descendants of the judge.

[1] This gentleman has most liberally given me the necessary extracts from his pedigree, and furnished me with much information.

FITZ-JAMES, JOHN.

JUST. K. B. and CH B. E. 1522; CH. K. B. 1526.

LORD CAMPBELL'S assertion that Sir John Fitz-James was "of obscure birth"[1] is in opposition to that of every other writer who has recorded his genealogy, and in direct contradiction to the "nobili ortus prosapiâ" applied by Godwin to Bishop Fitz-James[2], of whose relationship to the chief justice his lordship indeed seems to be wholly unaware. The name in connection with the county of Somerset is as old as the reign of Edward III.[3] His grandfather is stated to have been James Fitz-James, who acquired the estate of Redlynch in that county, and considerable other property, by his marriage with Eleanor the daughter and heir of Simon Draycott; and his father is described as John Fitz-James, whose wife was Alice, daughter of John Newburgh of East Lullworth in Dorsetshire.[4] As the Draycotts and Newburghs were second to none of the gentry of England in possessions and high blood, it is manifest, if there is no error in this descent, that the chief justice, instead of being of obscure origin, came of very good parentage and ancestry. The only doubt that can be raised in respect to it is, whether the genealogists have not omitted a generation; but this, so far from supporting Lord Campbell's account, would raise the pedigree, good as it is, a step higher.

The last-named John is universally represented as having been the father of three sons: 1. John, whom all writers have hitherto concurred in declaring to have been the chief justice; 2. Richard, who undoubtedly was Bishop of Rochester, Chichester, and London in succession; and 3. Alored, the ancestor of the Lewesden branch of the family.

[1] Lord Campbell's Chief Justices, i. 160.
[2] De Præsul. Angl. 190.
[3] Cal. Inquis. p. m. ii. 163.
[4] Wood's Athen. Oxon. ii. 720.; Hutchins's Dorset, ii. 337. &c.

Notwithstanding this unvarying testimony, a little investigation of the facts will prove that, instead of the chief justice being the bishop's elder brother, he was that prelate's nephew.

I. Anthony Wood fixes the date of the bishop's becoming a student at Oxford in 1459, when it may be presumed that he was not much younger than fourteen. This would place his birth in 1445, and make him fifty-one when he became Bishop of Rochester in 1496, fifty-eight when translated to Chichester in 1503, sixty when removed to London in 1505, and seventy-seven when he died, as Wood says, "in a good old age," in 1522. His elder brother, therefore, if only two years his senior, would at that date have been seventy-nine, an age at which it is not very likely that a person should be raised to the bench; and yet it was in that very year that Sir John Fitz-James was made a puisne judge. Add to this, if he was the bishop's elder brother, he would have been ninety-six when he resigned in 1539, and ninety-nine when he died in 1542.

II. John, the husband of Alice Newburgh, and father of the bishop, died in 1476, possessed of Redlynch and other property in Somersetshire.[1] His eldest son was clearly named John, as appears by the will of John Newburgh, the brother of Alice, who in 1485 leaves a legacy "to John Fitz-James my nephew, son and heir of John Fitz-James and Alice my sister."[2] This second John, the bishop's elder brother, would at that time be forty-two years old. The bishop evidently survived him, and in his will, dated in 1518, bequeaths to a third John, "John Fitz-James, senior, *my nephew*," a share in the residue of his goods.[3] It cannot be doubted that this John the nephew was the future judge, who did not, as will be presently seen, take his first step in

[1] Cal. Inquis. p. m. iv. 375.
[2] Testam. Vetust. 377.
[3] Ibid. 597.

legal rank till the following year. That he was called "senior," not only shows that his father was then dead, but also that there was another John then living, who will be soon noticed.

III. By the chief justice's will[1] it is evident that, if he ever had any sons, they died before him; for he speaks only of daughters, and, in his anxiety to preserve the name in connection with the estate, he leaves Redlynch in reversion to his "cosyn" Nicholas Fitz-James and his heirs male, and in default of them to the heirs male of his "cosyn" Alored, they being probably the sons of the bishop's brother Alored. If the chief justice had also been the bishop's brother, Nicholas and Alored would have been his nephews, and not his cousins, while, according to the relationship now suggested, they would be properly designated as his cousins.

IV. In this will the chief justice speaks of the bishop more deferentially than would be natural of a younger brother, but exactly as he might be expected to do of an uncle. He bequeaths to various persons cups that he had "of my lord bishop;" and one of these, which he gives "to my cosyn Roger Blewett," he says, "my saide lord of London bequeathed to my awnte, his [Blewett's] grandmother,"—this "awnte" being no doubt the bishop's sister.

V. In the Harl. MS. 99. p. 32., there is a receipt dated 28 November, 8 Henry VIII., 1516 (more than a year therefore before the date of the bishop's will), by "John Fitz-James *the elder*, one of the executors of Thomas late Erle Ormond, for 30*l.* rent of Sir William Walgrave, knt.;" and in Harl. MS. 6989. p. 31., there is an autograph letter from the chief justice in answer to an application from Cromwell to give to his nomination the place of clerk of assize.

[1] R. Cole, Esq., F.S.A., has not only favoured me with a copy of this will, but has kindly furnished me with many of the corroborative facts mentioned in this detail.

Both of these have the signature "John Fitz-James;" and there can be no doubt that they are the same hand-writing. It is not mere resemblance, but actual identity; for the signature is peculiar, and every stroke is the same, so that the "John Fitz-James senior, my nephew," in the bishop's will, the John Fitz-James the elder, Lord Ormond's executor, and the lord chief justice are thus clearly brought into one.[1]

VI. The records of the Prerogative Office afford such confirmatory evidence, that no further doubt can be felt on the subject. The will of John Fitz-James of Redlynch, who describes the bishop as his *brother*, and a John Fitz-James his *son*, and makes them both and his wife Isabell his executors, was proved in 1510. The will of Isabell the widow, proved in October, 1527, is witnessed by "John Fitz-James *the elder*, chief justice of the King's Bench," who describes the testatrix as his "Mother in Lawe," and by "Master John Fitz-James the younger." The will of this Master John, in which he is described of Templecombe, and of which he makes his father the chief justice one of the overseers, was proved in 1533 by his widow Elizabeth. She is mentioned in the chief justice's will, as his "daughter Elizabeth Fitz-James;" and her will was proved in 1551.

Thus it is manifest that the bishop's elder brother John, instead of being the chief justice, was father of the chief justice; and presuming that the latter was born (as he probably was) about 1470, all difficulty with regard to his age in the different steps of his legal career will be at once removed.

No evidence whatever exists of the place of Fitz-James's

[1] I am indebted to my friend David Jardine, Esq., F.S.A., to whom I had communicated my supposed amendment of the pedigree, for the discovery of these documents, which tend so strongly to support it; and this acknowledgment is a very inadequate return for the continued aid I have received from him during the progress of my labours.

early education. Wood does not claim him as a member of the university of Oxford, although he gives a full account of the bishop, and notices two other members of the family; and Lord Campbell is silent as to the authority on which he says that "he made his fortune by his great good humour, and by being at college with Cardinal Wolsey." If this were so, it must be acknowledged that the cardinal was rather backward in his patronage; for Fitz-James's first promotion in the law was not till many years after Wolsey had attained supreme power. Lord Campbell adds, "*it is said* that Fitz-James, who was a Somersetshire man, kept up an intimacy with Wolsey, when the latter had become a village parson in that county; and that he was actually in the brawl at the fair, when his Reverence, having got drunk, was set in the stocks by Sir Amyas Paulet."

It would have been more satisfactory to his readers, if his Lordship had informed them where the facts he has thus announced are to be found. Though Anthony Wood did not know it, Fitz-James may possibly have been at Oxford; though Redlynch, Fitz-James's home, is at least sixteen miles from Lymington, Wolsey's parish, the intimacy between them may have existed; and though Fitz-James was very near the time of his solemn reading at the Temple, it is not impossible that he might have joined in the drunken brawl; yet all these circumstances, new and extraordinary as they appear, are of such interest in the lives both of the judge and the cardinal, that a reference seems necessary, in order to decide whether their original relater is worthy of credit. The same inquiry will be made as to the authority on which his Lordship states that Fitz-James at his inn of Court "chiefly distinguished himself on gaudy days, by dancing before the judges, playing the part of the abbot of Misrule, and swearing strange oaths;" that "his agreeable manners made him popular . . . although very deficient in moots;"

and that "he was in deep despair" for want of clients, till Wolsey, "his former chum, . . . was able to throw some business in his way in the Court of Wards and Liveries." Whatever may be the source from whence these curious particulars are extracted, the little dependence that should be placed on it may be estimated by the fact, that the Court of Wards and Liveries was instituted, not only after the death of Wolsey, but even after that of Fitz-James, ten years later.[1]

He studied the law at the Middle Temple, where he sufficiently distinguished himself to be called to the bench of that society, to be made reader in 1505, and treasurer in 1509. When Sir John Ernle was appointed chief justice of the Common Pleas, Fitz-James succeeded him in the office of attorney-general, on January 26, 1519, more than three years after Wolsey had become chancellor, and seven or eight years after he had acquired a complete ascendancy over the king. He was one of the council who on June 13, 1520, addressed a letter to Henry on his return from the Field of the Cloth of Gold. In the next year the trial of the Duke of Buckingham occurred; and whatever may be thought of the conviction of that imprudent nobleman, no imputation rests upon the attorney-general for his manner of conducting the prosecution. In Trinity Term, 1521, he was called to the degree of the coif; and on the 6th of the following February was constituted a puisne judge of the King's Bench, and two days afterwards chief baron of the Exchequer[2],—a fact of which Lord Campbell does not seem to be aware. Judging from all appearances, he performed the duties of both offices at the same time, for which there were numerous precedents from the reign of Henry IV., with the slight variation that in former instances the judgeship was in the Common Pleas. He is named as chief baron in the will of Lord Zouche, dated

[1] Ellis's Letters, 1 Ser. i. 176. [2] Dugdale's Chron. Ser.; Orig. 215. 221.

October, 1525.[1] When he had occupied this honourable position for four years, he was promoted, on the death of Sir John Fineux, to the presidency of the Court of King's Bench on January 23, 1526, having been in the meantime serviceably employed to negotiate a marriage for Lord Percy, whose previous contract with Anne Boleyn stood in the way of the king's desires.[2]

He sat as chief justice for thirteen years, during a very trying period of the reign for one in his prominent position. There can be no doubt that he participated in the craven subserviency to the royal tyranny with which every one of his brethren was chargeable; but, in expressing disgust at the general failing, care must be taken not to visit on any one more than history justifies. In the absence therefore of any warrant for Lord Campbell's assertion that Cardinal Wolsey incurred considerable obloquy by Fitz-James's appointment, or that the new chief justice was thought to be "not only wanting in gravity of moral character, but that he had not sufficient professional knowledge for such a situation," some other authority must be cited before full credence can be given to the statement. The prejudice also which his lordship displays against the chief justice renders it necessary to look with caution on his description of Fitz-James's conduct in the three great events in which he introduces his name,—the disgrace of Wolsey, and the trials of Sir Thomas More and Bishop Fisher.

In reference to Wolsey, his lordship's endeavour to prove Fitz-James guilty of base ingratitude loses all its potency from the total want of evidence that the cardinal had been his benefactor. With this view, however, he makes the chief justice the active organ of the proceedings against the cardinal, charging him with having "joined in the cry against

[1] Testam. Vetust. 620.

[2] Lingard (1838), vi. 112.

him and assisted his enemies to the utmost," and with having "*declared* his readiness to concur in any proceedings by which the proud ecclesiastic . . . . might be brought to condign punishment;" and he further represents Fitz-James as the *suggester* of Judge Shelley's argument to the cardinal with reference to the alienation to the king of the archiepiscopal palace of York House (now Whitehall). These are serious charges, and surely require more authentication than his Lordship has afforded, before they are admitted on the page of history. In addition to these, Lord Campbell describes the chief justice as the adviser and dictator of the articles adopted in the House of Lords against Wolsey, for no other apparent reason than that the name of "John Fitz-James" appears as the last of the seventeen persons who subscribed them. The signature, even if his [1], is merely a formal one; and the articles no more "indicate a pre-existing envy and jealousy" in Fitz-James, than they do in Sir Thomas More, who signed at the head of all.

Lord Campbell next introduces this "recreant chief justice," as he calls him, as one of the commissioners on the trial of Fisher, Bishop of Rochester, of which the lord chancellor was the head; and though the chief justice is not personally mentioned in any one account of the proceedings, his Lordship names him the spokesman on every occasion. Professing to quote verbatim from the "State Trials" the answers of the court, which consisted of thirteen persons, nine of whom were lawyers, he includes *within* the marks of quotation with which he cites them, the name of Chief Justice Fitz-James, instead of the words which are actually used: viz., "some of the judges," and "the judges and lawyers;"

[1] A doubt arises whether this was the chief justice, inasmuch as the subscriber signs after Anthony Fitz-Herbert, who was only a puisne judge of the Common Pleas. There was another John Fitz-James, who was a reader at the Middle Temple three years afterwards, and who might have held some office in the House of Lords.

the word "judges" evidently applying to all the members of the commission. Surely this mode of writing history cannot be defended. His Lordship would have shown more charity, as there was clearly as much likelihood, if, in recording from the same report that "some of the judges lamented so grievously" as to shed tears, he had suggested the possibility that Fitz-James was one of them.

At the trial of Sir Thomas More, Lord Campbell says that Fitz-James's conduct was "not less atrocious," adding that "no one can deny that he was an accessory to this atrocious murder." These are hard words; but the guilt must be divided among all those who sat in judgment. Fitz-James is mentioned once only in the report; and then an expression is put into his mouth which may well raise something more than a doubt whether he was satisfied of the justice of the proceedings. When Audley the lord chancellor, who conducted the trial, "loath to have the burden of the judgment to depend upon himself, openly asked the advice of the Lord Fitz-James whether the indictment was sufficient or not, the chief justice answered: "My Lords all, by St. Gillian (that was ever his oath) I must needs confess that *if* the act of parliament be not unlawful, then is the indictment in my conscience not insufficient," thus evading the very point raised by Sir Thomas More, which was that the act of parliament, being repugnant to the laws of God, was insufficient to charge any Christian man.[1] If he had not been previously overruled on that point, as the "if" seems to infer, he was no doubt intimidated, as all his brethren were, by the fear of the consequences, of which they saw too many examples.

On the conviction of Queen Anne Boleyn, Lord Campbell pursues the same course. He represents that "the opinion of the judges was asked," whether the sentence upon

[1] Roper's More (Singer), 88.

her could be in the alternative, to be burnt or beheaded at the king's pleasure; and he puts a cruel speech into Fitz-James's mouth arguing against its being in the disjunctive, and consequently enforcing the former as the legal punishment of a woman attainted of treason. The sole words in the authority quoted, upon which this supposed speech is founded, are, "*The judges* complained of this way of proceeding, and said such a disjunctive in a judgment of treason had never been seen;"[1] and Lord Campbell not only translates "the judges" into "Fitz-James, C. J.," but adds within inverted commas an argument as spoken by him on the occasion. It does not appear, however, that there was any opinion asked, or any public discussion on the subject; but, on the contrary, the above passage is merely a remark in Judge Spelman's Common-Place Book, and evidently shows nothing more than the judges' private doubts on the introduction of the precedent. Deeply as all Englishmen must feel the dreadful degradation of the law at this period, and disgusted as they must be at the despicable weakness of its professors, they would deem themselves guilty of injustice similar to that which was then administered, if they convicted any individual on evidence concocted as this is. But the most curious part of the story remains to be told. The whole of the proceedings against the unfortunate queen are preserved in the "*Baga de Secretis;*" and from them it is manifest that Fitz-James was not present at all. His name does not occur in any one of the writs; and Baldwin the chief justice of the Common Pleas was the principal judge in all of them.[2]

It is not improbable that Fitz-James partook of those faults which pervaded the whole bench at the period in which he flourished; but they were faults arising more

[1] State Trials, i. 418.; Burnet's Reformation (1829), i. 407.

[2] 3 Report, Pub. Rec., App. ii. 243.

from that awful dread of Majesty which the Tudors inculcated, than from any personal cruelty or delinquency. Of Fitz-James nothing is told to distinguish him in this respect from the rest of the group, and certainly nothing to justify his being brought forward as a special object of vituperation. Indeed, if any credit is to be placed on David Lloyd, who wrote little more than a century after the chief justice's death, he left a character behind him very different from that with which, two centuries later, Lord Campbell has depicted him. This author states that Sir John "was so fearful of the very shadow and appearance of corruption, that it cost his chief clerk his place but for taking a tankard after a signal cause of 1500*l.* a year, wherein he had been serviceable, though not as a bribe, but as a civility." The following remarks in one of the Additional MSS. (1523. f. 54.) in the British Museum, which are either the foundation of or extracts from David Lloyd's sketch, convey also a pleasing picture:—

"Two maine principles y^t^ guide humane nature are conscience and law; by ye former we are obliged in reference to another world, by the latter in relation to this. What was law alwaye, was then a resolution, Neither to deny, nor defer, nor sell Justice. When his cozen urged for a kindnesse, 'Come to my house, (saith the judge,) I will deny you nothing; come to the king's court and I must do you justice.'

"He would attend each circumstance of an evidence, hearing what was impertinent, observing what was proper; saying, 'We must have two soules as two sieves, one for the bran, and the other for the flowr; one for the grosse of a discourse, and the other for the quintessence.'

"Two things upheld him in those boisterous times: (1) silence, (2) patience. The grand article of his faith was, 'I believe as the Church believes;' and the great rule of his practice was, 'I will do as the law directs.'

"When base complyance goeth off with the contempt of those it hath humoured, a noble resolution comes off with the reverence of those it hath discontented."[1]

Fitz-James, however, did not escape those attacks from which even the best judges are not exempt. Sir R. Terres, the writer of a "slanderous complaint against him, exhibited to the king in a written book," was condemned to pay a fine, to stand in the pillory, and to lose his ears.[2]

His retirement from his high office, to which his successor Sir Edward Montagu was appointed on January 21, 1539, arose probably from bodily infirmity; for in his will, which is dated in the previous October, he describes himself as "weke and feble in bodye." That he lived above two years afterwards may be presumed from the fact that the will was not proved till May 12, 1542. He was buried at Bruton, near to his manor of Redlynch; and a fine monument to his memory is in the parish church there.

The principal contents of his will have been noticed in the earlier part of this sketch. It contains in addition a direction that his "great book of Statutes in vellum or parchment . . . shall remayn to the howse [Redlynch] as an implement to the saide howse;" and his bequests in behalf of his poor neighbours and dependants are unmistakable proofs of his considerate benevolence.

FORTESCUE, LEWIS.

B. E. 1542.

This ancient and celebrated family was divided into so many branches that it is difficult to avoid confusion in tracing the lineage of its members. Lewis Fortescue was the third son of John Fortescue of Spurleston in Devonshire (descended from William of Winston, the elder brother

[1] Lloyd's State Worthies, 114—118. [2] State Trials, ii. 1080.

of Sir John, the father of the eminent chief justice) and Alice, daughter of John Cookworthy, his wife. His legal studies were completed at the Middle Temple, where he became reader in autumn, 1536. On August 6, 1542, he was constituted fourth baron of the Exchequer, but only sat there for about three years, John Pilborough appearing as his successor in Michaelmas Term, 1545.

By his marriage with Elizabeth the daughter and sole heir of John Fortescue, Esq., of Fallapit (lineally descended from Sir Henry Fortescue the chief justice of Ireland) he acquired that property, which came in regular succession to Sir Edmund Fortescue, who was created a baronet in 1664, but whose son dying without male issue in 1682, the title became extinct. The estate and the name are still united in a representative through a female branch; and from another female branch is descended an eminent judge of the present century, Chief Justice Sir Nicolas Conyngham Tindal.[1]

GREVILL, WILLIAM.

JUST. C. P. 1509.

WILLIAM GREVILL was the son of Richard Grevill, Esq., of Lemington in Gloucestershire, whose father's elder brother was the ancestor of the present Earl Brooke and Earl of Warwick.[2] His first appearance as an advocate in the Year Books is in Trinity Term, 1489; but he did not attain the serjeant's coif till November, 1504. About a month after the accession of Henry VIII. he was added to the judges of the Common Pleas, his patent being dated May 21, 1509. The last fine acknowledged before him was in Hilary Term, 1513[3], in which year he died and was buried in the chancel of Cheltenham church, where there is a monument to his memory.[4]

[1] Dugdale's Orig. 216.; Chron. Ser.; Collins's Peerage, v. 338.; Burke.
[2] Collins's Peerage, iv. 334.
[3] Dugdale's Orig 47.; Chron. Ser.
[4] Atkyns's Gloucest. 173.

HALES, CHRISTOPHER.

M. R. 1536.

THE family of Hales was a most ancient one, deriving its name from a place so called in Norfolk, where Roger de Hales possessed property in the reign of Henry II. Before the close of Edward III.'s reign, it had removed into Kent and was settled at Halden near Tenterden. The unfortunate Robert de Hales, prior of St. John of Jerusalem and treasurer of England under Richard II., who was barbarously murdered by the rebels in 1381, was of this family; and from his brother Sir Nicholas descended no less than three eminent lawyers who graced the judicial bench,—Christopher and John in this reign, and James in that of Edward VI.

Christopher Hales was the son of Thomas the younger brother of the father of John, so that the two judges were first cousins. His mother was Alicia, one of the four daughters and co-heirs of Humphrey Eveas. Receiving his legal education at Gray's Inn, he rose to be an ancient in 1516, and autumn reader in 1524. On August 14, 1525, he succeeded Richard Lyster as solicitor-general, and became attorney-general on June 3, 1429.[1] During the seven years that he filled this office, he had to conduct the proceedings against several illustrious persons who had incurred the king's displeasure. He prosecuted Wolsey by an indictment to which the cardinal made no defence; he appeared for the king against Sir Thomas More and Bishop Fisher on their last arraignment; and the trials of Queen Anne Boleyn and those charged with being implicated with her occurred during the last few months of his official tenure[2]; but history charges him with no harshness in performing the delicate duties thus devolving upon him.

[1] Dugdale's Orig. 292., and Chron. Series. [2] State Trials, i. 370. 389.

On the elevation of Thomas Cromwell to the office of lord privy seal, Hales succeeded him as master of the Rolls on July 10, 1536 [1], and retained the place for the five remaining years of his life, having received the honour of knighthood soon after his appointment.

He died in June 1541, and was buried at Hackington or St. Stephen's, near Canterbury. In that neighbourhood and in other parts of the county he had large possessions, many of which were granted to him by the king on the dissolution of the monasteries. His property was divided at his death among the three daughters he had by his wife Elizabeth the daughter of John Caunton an alderman of London.[2]

HALES, JOHN.

B. E. *1522.*

IN the preceding sketch, John Hales is described as the first cousin of Christopher, on the authority of Wotton's Baronetage; but it is right to say that Hasted in his History of Kent makes him the uncle of Christopher, representing him as the elder brother of Christopher's father, instead of the son of that elder brother. If Hasted is right, John's father was Henry Hales, and his mother Julian, daughter of Richard Capel of Lenden near Tenterden; if Wotton is right, Henry was his grandfather, and another John was his father. The difference between the known commencement of their career is not so great as to bring the point, even if it were an important one, to any certain decision.

There is a curious entry with regard to them in the books of Gray's Inn, of which they both were members, by which it appears that in July, 1529, John Hales communicated to the society that Sir Thomas Nevill would accept Christopher

[1] Pat. 28 Hen. VIII., p. 2. m. 24.

[2] Weever, 260.; Hasted's Kent, passim.; Wotton's Baronet. i. 219.

Hales, then attorney-general to be his bedfellow in his chamber there.

John Hales became a reader in that house in autumn 1514, and again in Lent, 1520. Residing at the manor of the Dungeon, or Dane John, near Canterbury, which with that of Thanington and other estates in the county of Kent he had purchased, he was the acting steward of the abbey of St. Augustine's, at first in conjunction with Sir Henry Guldeford, and afterwards with the Duke of Norfolk. As he does not appear as an advocate in the Reports, he probably held an office in the Exchequer, the barons of that court being at that time usually selected from among those who were conversant with that department. He attained the dignity of third baron on October 1, 1522; and having in the following year been named as one of the general supervisors of the king's lands with Sir John Daunce, he was promoted to the place of second baron on May 14, 1528. He still held this position on August 1, 1539; as John Smith then received a grant of the office in reversion on his death or retirement.[1] He probably died shortly afterwards, John Smith taking his place in the next Michaelmas Term.

By his wife Isabel, daughter and co-heir of Stephen Harris (Harvey, according to Hasted), he had four sons. His eldest, James, became a judge, and will be noticed in the reign of Queen Mary. The grandson of his third son, Edward of Woodchurch in Kent, was created a baronet on June 29, 1611; and his descendants greatly damaged their fortune by their devoted loyalty, one of them endeavouring to rescue King Charles I. from his prison in the Isle of Wight, and another assisting James II. in his flight. The latter was made, by that king, Viscount Tonstall and Earl of Tenterden, titles which the revolution prevented him from enjoying. The baronetcy survived through three more

[1] Dugdale's Orig. 273. 292.; Chron. Ser.; Rymer, iii. 788.

generations, when it became extinct by the death of the sixth baronet without issue in 1829.

The baron's second son, Thomas, was the ancestor of Sir Robert Hales of Beaksbourne, who was made a baronet on July 12, 1660; but the title became extinct in 1824, the fifth baronet leaving only a daughter.

There was still a third baronetcy in the family, Hales of Coventry, created on August 28, 1660; but this traced its descent from a younger brother of one of the baron's ancestors, and failed in 1812, on the death of the eighth baronet.[1]

HANNIBAL, THOMAS, CHANCELLOR OF WORCESTER.

M. R. 1523.

OF Thomas Hannibal no mention is made before the year 1504, when he was entered at the university of Cambridge, where he took the degree of Doctor of Laws in 1514. As early as the former date he received a prebend in the church of York, and at the latter became chancellor of the diocese of Worcester. In 1522 both he and Dr. John Clerke were engaged at the Roman court in the double capacity of King Henry's orators and private agents for Cardinal Wolsey, to whom Hannibal frequently addressed letters on the important events occurring there. Both of them were rewarded in succession with the mastership of the Rolls, Hannibal following Clerke in that office on October 9, 1523, 15 Henry VIII., and retaining it till June 26, 1527, when, though his patent was for life, he voluntarily surrendered it, and Dr. Taylor received the place. The date of his death is not mentioned.[2]

HEREFORD, DEAN OF. *See* T. WOLSEY.

[1] Wotton's Baronet. i. 219., iii. 96. 162.; Hasted's Kent, vi. 88., &c.

[2] Rymer, xiv. 10.; Athen. Oxon. ii. 735, 771.; Fasti, i. 39.

HINDE, JOHN.

JUST. C. P. 1545.

See under the Reign of Edward VI.

HODY, WILLIAM.

CH. B. E. 1509.

See under the Reign of Henry VII.

WILLIAM HODY, who was the second son of Sir John Hody, chief justice of the King's Bench in the reign of Henry VI., was quite an infant when his father died in 1441. Naturally pursuing the profession in which his father had become so eminent, his name is first mentioned in the Year Books as practising in the courts in 1476, where he must have attained some celebrity, as within a month after the accession of Henry VII. in 1485 he superseded Morgan Kidwelly as attorney-general. Before the close of that year he was made a serjeant-at-law, probably in preparation for his assumption of the office of chief baron of the Exchequer, to which he was promoted on October 29, 1486.

He presided in this court for the remaining twenty-three years of the reign, and for the first four years of that of Henry VIII., when he died and was succeeded on January 8, 1513, by Sir John Scot.[1]

In the parliament of January, 1483, 22 Edward IV., he obtained an act reversing the forfeiture of his uncle Sir Alexander Hody of Bowre in the county of Somerset, who had been attainted for his adherence to the Lancastrians in the first year of that reign.[2]

By his wife Eleanor, daughter of Baldwyn Mallett of Corypool in Somersetshire, he had issue two sons, Reginald and John, and two daughters, Joan, married to Richard Warr, and Jane, the wife of Lawrence Wadham. The de-

[1] Dugdale's Chron. Series. [2] Rot. Parl. vi. 219.

scendants of the two sons were settled respectively at Ilchester in that county, and at Pillesden in Dorsetshire; but both branches became extinct during the last century.[1]

HUNTINGDON, ARCHDEACON OF. *See* W. WARHAM.

JENNEY, CHRISTOPHER.

JUST. C. P. 1538.

CHRISTOPHER JENNEY was the grandson of William Jenney, the judge of the King's Bench, of whom some account is given under the reign of Richard III.; and the third son of Sir Edmund Jenney of Knodishall in Suffolk, by Catherine, the daughter and heir of Robert Boys, Esq. He pursued the profession in which many of his family had become eminent, and entering himself at Lincoln's Inn, gradually advanced to the office of reader there, which he filled in the autumn of the years 1521 and 1522. In 1520 there is an entry in the privy purse accounts of Sir Thomas Le Strange of Hunstanton,—"Itm. pd. to Cristofer Jenney for his half yers fee the xxi daye of Maye, x^{s}.," which is afterwards several times repeated[2], showing that he had an annual retainer of 1*l.* for that family. This fee was increased in 1525 to 2*l.* 13*s.* 4*d.* per annum, but does not appear to have been paid beyond Easter, 1531.[3] He was one of those assigned to assist Cardinal Wolsey in hearing causes in Chancery in June, 1529. Called to the degree of the coif in Michaelmas Term, 1531, and having been made king's serjeant in 1535, he was raised to the judicial seat on June 30, 1538, as a judge of the Common Pleas. He remained there little more than four years, the last fine levied before him being dated in Michaelmas, 1542.[4]

[1] Prince's Worthies of Devon; Hutchins' Dorset, i. 317.
[2] Archæologia, xxv. 434. 443. 467.
[3] Ibid. 479. 494.
[4] Dugdale's Orig. 47. 251.; Chron. Ser.

He married Elizabeth, daughter and co-heir of William Eyre, Esq., of Bury St. Edmund's.[1]

LINCOLN, Bishop of. *See* T. Wolsey.

LINCOLN, Dean of. *See* T. Wolsey.

LONDON, Bishop of. *See* C. Tunstall.

LONDON, Precentor of. *See* T. Wolsey.

LUKE, NICHOLAS.

B. E. 1540.

See under the Reigns of Edward VI., Mary, and Elizabeth.

LUKE, WALTER.

Just. K. B. 1532.

Walter Luke is said to have advanced himself in the world by marrying the nurse of Henry VIII., with whom he received an estate at Cople in Bedfordshire. Her name was Anne; and she is described in the Visitation of Huntingdon of 1613 as the daughter and heir of Launcelin of Launcelinsbury in that county, and the widow of William Oxenbridge.[2] In the Middle Temple, where he studied the law, he attained the post of reader in autumn, 1514, and of double reader in Lent, 1520. He probably practised in the Court of Chancery, since his name as counsel does not occur in any of the Reports, and he was one of those assigned in June, 1529, to hear causes in Chancery in aid of Cardinal Wolsey. He had previously been connected with the royal household; for when the king's illegitimate son Henry Fitzroy, Duke of Richmond, was in 1525, at the age of about six years, made lord warden of the North,

[1] Burke's Landed Gentry, 648.

[2] Gent. Mag. July, 1823, p. 28.; Visit. Hunts., Camden Soc., p. 60. Too much reliance must not be placed on the pedigrees exhibited at these visitations when we find, as in this, Walter Luke within seventy years of his death described as *chief justice of the Common Pleas*, instead of one of the judges of the King's Bench.

Walter Luke was appointed to attend him as attorney-general, with a fee of 13*l.* 6*s.* 8*d.*, and an allowance for three servants.[1] The degree of serjeant was conferred upon him in Michaelmas, 1531; and in the following year, on August 23, he was promoted to the ermine, as a judge of the King's Bench[2], and at the same time was knighted. He sat a silent commissioner on the trials of Sir Thomas More and the Bishop of Rochester[3], and is mentioned in Dyer's Reports as late as Trinity Term, 1543. He died in 1544, and was buried in Cople church, where there is an effigy of him on a brass plate.[4]

He had an only son, Nicholas, who became a baron of the Exchequer towards the end of this reign, and will be noticed in that of Queen Elizabeth, whom he lived to serve in the same character.

LYSTER, RICHARD.

CH. B. E. 1529. CH. K. B. 1545.

See under the Reign of Edward VI.

MERVIN, EDWARD.

JUST. K. B. 1540.

See under the Reigns of Edward VI. and Mary.

MONTAGU, EDWARD.

CH. K. B. 1539. CH. C. P. 1545.

See under the Reign of Edward VI.

MORE, JOHN.

JUST. C. P. 1518. JUST. K. B.? 1520.

IT cannot have escaped the observation of every person interested in the life of Sir Thomas More, that his biographers,

[1] Camden MSS. iii.; Memoir of Henry Fitzroy, xxiii.
[2] Dugdale's Orig. 215.; Chron. Ser.
[3] State Trials, i. 387. 398.
[4] Gent. Mag. lxxxvii. part ii. 394.

though one of them married his daughter, and another was his great-grandson, are almost entirely silent as to the family from which he sprang. In their statements upon this subject, they ascend no higher than Sir Thomas's father, Sir John More, he being no less a person than one of the superior judges, holding that dignity, too, for a space of at least twelve years, and not dying till after his son had been elevated to the highest legal position in the kingdom.[1]

That Roper is silent about the chancellor's pedigree cannot be attributed to his ignorance; for he was not only Sir Thomas's son-in-law, but was evidently on terms of familiar intercourse with him. In a biography composed so closely upon the time, and which must therefore be considered as the best authority for all that is known of the private history of the family, it is difficult to ascribe the silence of the writer on a point so naturally arising, to any thing but a delicate disinclination to expose that which he might fear would in some minds derogate from the respect with which the chancellor was regarded. It is scarcely to be conceived that he did not know to what family Sir Thomas belonged, or that, knowing it, he would not have recorded his knowledge, had he not been restrained by anxiety to avoid the risk of wounding the feelings of survivors.

The great-grandson of the chancellor, now clearly proved by Mr. Hunter's investigations to be Cresacre More, in his Biography endeavours, with a natural desire to magnify his ancestors, to show that they were of gentle descent, deriving his argument from the epitaph written by Sir Thomas, which he misquotes, and from the arms alleged to be borne by Sir John, which he misunderstands. He cites Sir Thomas's epitaph as commencing with these words: "Thomas More, born of no *noble* family, but of an honest stock;" and he

[1] The principal part of these observations on "the Lineage of Sir Thomas More" appeared in the Archæologia, xxxv. 27—33.

afterwards argues upon the word "*nobilis*" as if it occurred in the original. But no such word is really to be found there. The passage stands thus: "Thomas Morus, urbe Londinensi, familiâ non *celebri*, sed honestâ natus,"—words simple enough, and which seem plainly to indicate that he could trace his pedigree little beyond his father.

With regard to the arms, Cresacre More says, "Judge More bore arms from his birth, having his coat quartered," meaning that, in consequence of the marriage of one of his ancestors with the heiress of a family entitled to coat armour, he quartered the arms of that family with his own; but there is no evidence that this was the case. It is true that the arms of Sir Thomas on the monument at Chelsea are quartered; but this quartering, which has never been identified, may have belonged to Sir Thomas's mother. The arms of Sir John himself, as depicted by Dugdale from the window of the refectory in Serjeants' Inn, Fleet Street, contain no quartering; and none of the pedigrees in the Herald's College begin with any earlier name than that of Sir John, except some of a much later date, which carry up the family, but without Christian name or place, to an assumed grandfather.[1] These, and the pedigree in the Ashmole Library mentioned by Mr. Hunter, are evidently derived from Sir John's will, in which he speaks of his grandmother Johanna, daughter of John Leycester.

Looking then at the modest description given by Sir Thomas More himself, at the total silence of his son-in-law on the subject, and at the absence of all testimony to the contrary, it seems impossible to come to any other conclusion than that the family was an obscure one.[2] This opinion has been con-

[1] I have to express my acknowledgments for this information to T. W. King, Esq., York herald.

[2] Since this was printed in the *Archæologia*, I have seen a curious corroboration of my opinion in an invective against Sir Thomas More, written by his

firmed by recent investigation; but the origin thus discovered, so far from detracting in any degree from the merit either of the chancellor or the judge, must be considered as speaking loudly, not only to their credit, but to the credit of those to whom they owed their elevation, showing that, even in those days, virtue and learning met their due reward, and contradicting the general impression that none but rich men's sons were admitted members of the inns of Court.

From the information hitherto furnished, all that can be collected with regard to the lineage of Sir John More, the chancellor's father, is that his grandfather married Johanna the daughter of John Leycester; but who John Leycester was, or who Sir John More's father was, no writer has yet explained. It is curious also, that in what is told of Sir John himself contradictory accounts are given of the inn of Court to which he belonged, of the bench on which he sat as judge, and of the age at which he died.

As to the inn of Court to which he belonged, Chauncy, in his History of Hertfordshire (p. 531.), states that he studied the law and was reader at Lincoln's Inn; and Dugdale, in his list of readers at the Middle Temple, names John More as one of them, describing him as "afterwards one of the judges of the Common Pleas." Though there is so far authority for both statements that in each of these inns there was a John More who held the office of reader within ten years of each other, a careful examination of the dates and facts relating to both will raise a doubt whether the judge can be identified with either.

Taking them in the order of date, it appears that John More, of Lincoln's Inn, was autumn reader there in 5

contemporary, the French Latin Poet, Nicholas Borbonius, printed in 1540 (quoted in Gent. Mag. xlix. 26.), wherein Sir Thomas is described as "obscuris plane natalibus ortus."

Henry VII., 1489, and Lent reader in the tenth year, 1495.[1] If this were the judge, his call to the degree of serjeant in 1503 would be fourteen years, and his elevation to the bench in 1518 twenty-nine years, after his first reading,—an interval so great as, if not entirely beyond the range of possibility, at all events to render the supposition that the reader and the judge were the same person highly improbable. This improbability is not diminished by the further history disclosed in the records of that Society.[2]

The name of More occurs in the Black Book, fo. 137. *b*, as early as 4 Edward IV., 1464–5, when a John More was raised from the office of butler to that of seneschal or steward, an officer at the head of the servants of the house, employed to collect the dues and to keep the accounts, in connection with the last of which his name is occasionally introduced. This John More, in Michaelmas Term 1470, 49 Henry VI. (being the year of that monarch's temporary restoration), was admitted a member of the society, in reward, as is stated in the entry, for his having conducted himself faithfully in the office of butler and in that of steward, which it goes on to declare he had "for a long time" filled[3]; so that it may be well conceived that at the date of this his admission he was at least forty years of age. He would then be progressively called to the bar and raised to the bench of the society, and in due time be appointed a reader. This person, there is no

[1] Dugdale's Orig. 250.

[2] The cordial and effective assistance I have received in the investigation of these curious documents from Mr. Spilsbury, the excellent librarian of Lincoln's Inn, demands my warmest thanks.

[3] His admission is thus entered in the Black Book, vol. i. fo. 162.: "Joh'es More admissus est in Societatem Termino Michaelis A° xlix° Henr. VI^ti, et ei perdonantur vacationes due et quod sit ad repasta et habeat unum clericum pro xiiij^d per septimanam, eo quod tam in officio pincerne, quam in officio seneschalli, que quidem officia in eodem hospicio diu continuavit, bene et fideliter se gessit, et vadia nulla de societate recepit de tempore quo officium seneschalli occupavit. Et assignatur in camera nuper Thome Ripplyngham."

doubt, was the reader in 1489, at which time he would be about fifty-nine years old; but he could scarcely be the judge who was appointed in 1518, when he would have been no less than eighty-eight years of age.

As to the claims of the Middle Temple, the John More of that Society was autumn reader there in 21 Henry VII., 1505, and Lent reader in 3 Henry VIII., 1512 [1]; dates which seem readily to accommodate themselves to the year in which John More became a judge, viz. in 1518, and which no doubt led Dugdale so to designate him. But there are two pregnant facts which exclude the idea that the judge could have been the reader of the Middle Temple. The judge was called to the degree of the coif in 19 Henry VII., 1503; and when that degree is assumed, it is well known that the new serjeant leaves his original society and joins that of the judges and serjeants. How then could John More, so made a serjeant in 1503, be called upon to read in the society he had left, not once only, in 1505, but a second time, in 1512, after he had entered into another body? Again, Dugdale in his "Origines," p. 113., extracts from the books of the Middle Temple the account of the feast given to the ten serjeants appointed with John More; and that account distinctly names three only who were of that house, among whom John More is not mentioned, and it is next to impossible that he would have been omitted from so formal an entry had he been a member of the Middle Temple.

From a fair consideration, therefore, of the facts connected with these readers of Lincoln's Inn and the Middle Temple, it is difficult to believe that either of them was the future judge. Who, then, was he?

The biographers place Sir John at Lincoln's Inn. Roper,

[1] Dugdale's Orig. 215. It is curious that in the previous autumn of this third year of Henry VIII. Sir Thomas More himself was reader at Lincoln's Inn.

the first of them, though he does not state the fact, leaves the reader to infer it, by recording that, if the father and son met together at readings in Lincoln's Inn, the latter, though chancellor, would offer in argument the pre-eminence to his father. Cresacre More, his descendant, distinctly describes him of Lincoln's Inn.

To the records of that society, therefore, reference must again be made for further illustration. There, besides the former-mentioned John More, originally the butler, and then raised from the stewardship to be first a member and then a reader of the society, another John More is to be found, with the addition of "junior" to his name, who in 22 Edward IV., 1482 (twelve years after the first John More had been admitted a member) is mentioned as "pincerna" or butler. It is scarcely possible to doubt that this John More junior was the son of the first John More, holding as he did the same office of butler, which the latter had formerly filled. Fourteen years afterwards, on February 12, 1496, Thomas More the chancellor was admitted into the society; and the entry describes him as the son of John More, without designating who John More was, thereby leading to the inference that he was some person so well known as not to stand in need of any description. That he was a member of the same society is made especially apparent by the entry further stating that Thomas "is pardoned four vacations *at the instance* of John More, his father." This father, therefore, must be either John More the former steward, or John More junior the butler; for no other John More appears on the books at that time.

On the presumption that the first John More was the father of Sir Thomas, and that he was the father also of John More junior, he would thus have *two* sons, which would be in contradiction to the statement of all the biographers, who unanimously declare that Sir Thomas was an

only son. If John More junior is excluded as a collateral relation and not a son, then the birth of Sir Thomas, which is invariably fixed about the year 1480, must have been at a very late period of his father's life; the fact being, on the contrary, that he was the son of the first of *three* wives with whom his father was united. Sir Thomas, therefore, being when admitted in 1496 only sixteen years old, could not under any reasonable calculation have been the son of John More the elder. But the same facts present no such difficulties with reference to John More junior. In 1482 he was butler to the society; but there is no entry of his appointment to the office. Seeing, however, that the elder John More had been admitted a member in 1470, it may be presumed that the younger More had succeeded him in the butlership as soon as he was old enough to perform its duties; and the calculation cannot be far wrong if he is supposed to have been between twenty-eight and thirty in 1482. If he was the chancellor's father, it may be readily conceived that, as he married early in life, he had then a son of two years of age, who would thus be ready in 1496 to be admitted a member of the house. It only remains, therefore, in order to establish this parentage, to account for John More junior the butler being placed in such a position as afterwards to assume the coif and to obtain a seat on the judicial bench.

John More the elder, admitted a member in 1470, must have been called to the bar long before 1482, when the younger is mentioned as butler. As he was named a reader seven years afterwards, it is clear that he was gaining an ascendancy in the inn; and he must have become a bencher previously to his being a reader. It would be only natural that he should desire for his son the same advantage which he himself had received, and even without the operation of this feeling it seems almost a necessary step to his

being admitted to the bench of the society that his son should be removed from a menial office. For the mode of doing this his own case would form a precedent; and that no entry has been discovered of John More junior's admission may be accounted for by the carelessness with which the books were then kept, and the want of a regular list of admissions, that of Sir Thomas himself being inserted with two or three others in a page devoted to other matters, and written in a different hand. Adding to these probabilities the fact that every reader had a special privilege of admitting any person he pleased into the society[1], no reasonable doubt can exist that John More junior was admitted either before or at the time when his father became one of the governors or a reader of the house; and the interval between 1482 and 1503, when John More the judge was called serjeant, is amply sufficient for the several subsequent gradations.

After a careful comparison of the facts and dates connected with both John Mores, the only reasonable conclusion that can be formed seems to be that John More, first the butler, afterwards the steward, and finally the reader, of Lincoln's Inn, was the chancellor's grandfather, and that John More junior, who was also at one time the butler there, was the chancellor's father and afterwards the judge. Not only does this descent suit precisely the "non celebri sed honestâ natus" in Sir Thomas's epitaph, but it explains the silence of his biographers, and accounts for the judge and the chancellor attending the readings of a society with which their family had been so closely connected.

If it should be considered that too much space has been occupied in discussing a question apparently of so little moment, it should be remembered that, though such an investigation would be valueless if it applied to an ordinary individual, it acquires a peculiar and undoubted interest

[1] Dugdale's Orig. 248.

when men of the highest eminence are the subject of the inquiry. There is a natural and universal desire to know from what stock a great man has descended; and who is there, whether he be lawyer, philosopher, or historian, who will deny that title to Sir Thomas More? The fact, also, thus attempted to be established, is important in another point of view: it will prove that, at a time when the barriers between the different grades of society were far more difficult to be passed than in the present day, such a combination of talent with integrity and moral worth as distinguished the progenitors of Sir Thomas, could overcome all the prejudices in favour of high descent which were the natural result of the feudal system.

Whatever was the date of the judge's call to the bar, he was one of the ten who received the degree of the coif in November, 1503, 19 Henry VII.[1] Roper relates that he was imprisoned in the Tower until he had paid a fine of 100*l.* for some groundless quarrel devised against him by the king. This must have been in the year following that in which he was made a serjeant; as the real cause of the royal anger was that his son Thomas had successfully opposed a grant demanded of the Parliament which met in January, 1504. Of Sir John's practice at the bar there is little evidence. His name is seldom mentioned in Keilwey's Reports, where no dates are given; and in the Year Books it occurs only in Easter and Michaelmas Terms of 21 Henry VII.

Of the date of his elevation to the bench, neither his biographers nor Dugdale give any precise information; and the only account afforded by the latter contradicts his biographers as to the court in which he sat. Their statement, however, that he was a judge of the Court of King's Bench, is confirmed by his will, dated in February, 1526, in which he so designates himself, and by Sir Thomas's epitaph, in which

[1] Dugdale's Orig. 113. In his Chron. Series he misdates the call 20 Henry VII.

he describes his father as of that court, without any allusion to his having sat in any other. And yet Dugdale notices him solely as a judge of the Common Pleas, and proves that he was so from Hilary Term, 9 Henry VIII. 1518, to Hilary Term, 1520, by the occurrence of his name in fines acknowledged between those dates.

It is evident, therefore, that he was successively a member of both benches. The period of his being created a judge of the Common Pleas must have been the end of November, 1517, the date of the last fine levied before John Boteler, whom he seems to have succeeded, and the beginning of February, 1518, the first date on which his name appears on a similar record. No patent of his appointment either as a judge of this court or of the King's Bench has been found; but the period of his removal to the latter must be fixed between his last fine and November 28, 1523, when he is named as a judge of the King's Bench in a list of his brethren chargeable with the subsidy imposed in that year.[1] That he was added to the sole puisne judge who then sat in that court, is evident from the above document mentioning him and Humphrey Coningsby as the only puisne judges belonging to it; and it is not unlikely that he was placed on that bench in April, 1520, when Richard Broke first occurs as a judge of the Common Pleas, without any other apparent vacancy.

Looking at the period of Sir John's advancement, and considering how little he distinguished himself as a lawyer either before or after his elevation to the bench (for in the Year Books he is mentioned only once as a judge, and that in a case in the Exchequer Chamber), it seems not improbable that he owed his appointment to the character his son had already attained, and that this was one of the temptations held out to secure Sir Thomas's services at court. The pleasing description which his son gives of him in his epitaph, "Homo civilis,

[1] 3 Report Pub. Rec., App. II. 62.; Dugdale's Orig. 47.; Chron. Ser.

suavis, innocens, mitis, misericors, æquus et integer," presents a higher idea of his moral than of his intellectual qualities, and illustrates the attractive pictures which are drawn of the affectionate intercourse existing in the family. The father's anxieties and hopes from the early promise and the speedy success of his son may well be imagined, and the mild exultation of his amiable disposition in seeing that son at last elevated above himself. None who contemplate the character of both can fail to dwell with sympathy and pleasure, as the certain consequence of such a union of hearts, on the unaffected deference which the son continued to pay to the father after his own promotion; on his defying ridicule by publicly begging the parental blessing in his way to his court; and on the unrestrained expression of his love in the last moment of the judge's life.

Sir John died about November, 1530, judging from his will, which was proved on the 5th of the following month; and, according to its directions, he was buried in the Church of St. Lawrence in the Old Jewry.

Of his age at the period of his decease, his son's earliest biographer, William Roper, says nothing; but his great-grandson, Cresacre More, describes him just before his death as "near 90 years old;" a calculation evidently founded on the supposition that he was the Lincoln's Inn reader of 1489, and on the presumption that he would then have been about 49 years of age. This extreme old age all subsequent writers have inconsiderately adopted, without reflecting that in that case he would have been 78 when he was raised to the bench, a period of life at which it is scarcely possible to suppose that any one would be selected for the first time to exercise judicial functions.

A far more satisfactory, because contemporary, authority has been entirely disregarded. This may be found in the inscriptions on the family pictures preserved at Burford

Priory and at Nostell Priory, both of which are referred to in Mr. Hunter's very valuable preface to his edition of Cresacre More's Life of the Chancellor. These pictures were painted, one of them certainly by Holbein, in 1530, after Sir Thomas became chancellor, and just previous to Sir John's death. They represent all the members of the family then in existence, and the ages of each are inscribed on their portraits. Both of these pictures agree as to the then age of Sir John, who on one is described as "aged 76," and on the other, as "in the 77th year of his age." This evidence, which is manifestly the most trustworthy, would make the birth of Sir John take place about the year 1453; so that he would have been 29 when he is first mentioned as butler, about 50 on his assumption of the serjeant's coif, and his elevation to the bench would have happened at the more probable age of 64 or 65; a calculation which tallies in every material respect with the hypothesis advocated in the preceding pages.

His union with three wives seems to prove that his theory with regard to the ladies was less complimentary than his practice. It is reported of him "for proof of his pleasantness of wit, that he would compare the multitude of women which are chosen for wives unto a bag full of snakes having among them but one eel; now if a man should put his hand into this bag, he may chance to light on the eel, but it is a hundred to one he shall be stung with a snake." But whether he made this remark before or after his last nuptials is not recorded.

His first wife was Johanna, daughter of — Hancombe of Holywell, Bedfordshire; his second was Mrs. Bowes, a widow, whose maiden name was Barton; and his third was Alice Clarke, also a widow, the daughter of John More of Loseley in Surrey. By his first wife only had he any issue, and she produced him one son, Thomas More the chancellor, and two daughters. Jane, the elder, was married to Richard

Stafforton, or perhaps Staidton, as Richard Staidton the elder, is one of the executors of his will. Elizabeth, the younger, became the wife of John Rastell the printer, and the mother of William Rastell the judge.

The manor of Gobyons in the parish of North Mimms in Hertfordshire, belonged to Sir John at his death, and probably was purchased by him; for it does not appear that he inherited it. It is true that Clutterbuck asserts that it belonged to the family of More in the time of Richard II.: but the fact which he adduces altogether fails in the proof. He says that "John More of London, mercer, 21 Richard II., held one knight's fee in North Mymmes, of Thomas Duke of Gloucester."[1] The entry in the Inquisitio post mortem is, that Thomas Duke of Gloucester died possessed of a fee and a half in North Mymmes "*per* John de More of London, mercer;"[2] which shows rather that the property was the duke's and not John de More's; and it identifies it in no respect with the manor of Gobyons. This manor appears to have belonged to Edmund Peryenton at the time of his death in 14 Edward IV., 1474.[3] How soon afterwards it came into the possession of the Mores does not appear. Sir John left it to his wife for life, and then to the chancellor; on whose attainder in 1534 his mother-in-law was illegally evicted. She died about ten years afterwards at Northall in that neighbourhood.[4]

MORE, THOMAS.

LORD CHANCELLOR, 1529.

SIR THOMAS MORE was the only son of the last-named judge, Sir John More, by his first wife, whose maiden name was Hancombe. He was born in the year 1480 in his father's house in Milk Street in the city of London. Some

[1] Clutterbuck's Herts, i. 449.
[2] Cal. Inquis. p. m. iii. 216.
[3] Ibid, iv. 367.
[4] The various Lives of Sir Thomas More.

of his biographers, not contented with resting his reputation on the actual virtues of his life, have attempted to invest it with a supernatural interest, and have embellished even his infancy with dim foreshadowings in his mother's dreams, and miraculous escapes from his nurse's carelessness. With the detail of these and other stories having a like object it will answer no good purpose to trouble the reader.

The rudiments of his education he received under Nicholas Holt[1], at St. Anthony's School in Threadneedle Street, which bore the highest reputation of any of the London establishments, and produced some other celebrated men; among whom were Heath, Archbishop of York, Whitgift, Archbishop of Canterbury, and Dean Colet. More's father, who was at that time merely an apprentice-at-law, not having been yet called to the degree of a serjeant, obtained an early introduction for him into the house of Cardinal Morton, who, like other ecclesiastics of the age, received young persons of name and character into his family, nominally as pages, but really to be instructed under his own eye in all the learning of the time. More's quickness and ready wit soon made him a favourite with his fellows. In the plays which it was then the custom, even in bishops' houses, to perform at Christmas, he would intermingle with the actors, and, adopting a character appropriate to the piece, would improvise the part to the sport and admiration of the audience.[2] The worthy cardinal, of whom More always spoke with affectionate gratitude, was not the last to see his merit and to prophesy his

[1] "An English Accedence or Gramar cald Lac Puerorum, made by Nich. Holt, Schoolmaster to S^r. Tho. Moore in St. Anthonie's Schoole, London, 4to." was in the library of Richard Smith, secondary of London, whose "Obituary" has been edited for the Camden Society by Sir Henry Ellis, to whose kindness I owe this information.

[2] This incident is introduced into a play called by his name, written about 1590, and published by the Shakespeare Society: but for dramatic effect it is placed towards the close of his life, while he was chancellor.

future eminence; and that no opportunity might be lost for improvement he placed the promising youth at the University of Oxford. Both Canterbury College (now part of Christ Church) and St. Mary Hall are mentioned as his place of study: but the deficiency of the registers has left the question in doubt.

There is less uncertainty in fixing the date of his college career. His friendship with Erasmus commenced in 1497, when that eminent man first visited England: and although it does not follow that Oxford was the scene of their meeting, which might have taken place under Cardinal Morton's roof, yet in a letter to a friend in Italy written from London, December 5, 1497, Erasmus, after eulogising the learning of Colet, Grocyn, and Linacre, who were all at Oxford at that period, adds "nor did nature ever form anything more elegant, exquisite, and better accomplished than More," which would seem to refer to the same place. This fascinating character is peculiarly appropriate to a youth between sixteen and seventeen, and suggests the great probability of that year being the date of his entrance at Oxford. With all the three eminent men mentioned by Erasmus he formed an intimacy; and with their encouragement, and Thomas Linacre for his tutor, he enthusiastically pursued his Greek studies, and successfully resisted the faction in the university which, under the name of Trojans, attempted to prevent the introduction of that language into the system of education there. Here he also began those epigrams and translations that appear in his works, and devoted himself entirely to the allurements of literature. His allowance was scarcely sufficient to provide necessaries, and of his expenditure of it he was required to give a most exact account. Whether his father so closely curtailed him from frugal motives, or from the fear that his son's delight in these studies would create a distaste for the legal profession, for which he was designed,

the son ever after spoke of it in terms of commendation, as preventing him from indulging in idle pleasures and extravagance. There is no record of his having taken any degree; and his stay at the university is stated not to have exceeded two years. The period of his return to London is uncertain, but the records of Lincoln's Inn show that his admission into that society must have taken place either during or before his residence at Oxford. The entry is under 11 Henry VII., 1496, when he was only sixteen, and is as follows:—

"Thomas More admissus est in Societat. xij die Februar. a° sup. dicto. et pardonat. est quatuor vacacões ad instanciam Johis More patris sui."

Although his name is not to be found on the Books of New Inn, a society then recently established, there is no doubt that he was placed there for some time either before or after his leaving Oxford, from the comparison (already alluded to[1]) which he made, subsequently to his retirement from the chancellorship, between the fare there and at Oxford and Lincoln's Inn.

He was in due time removed to Lincoln's Inn, and having passed through the usual course of study, he was admitted as an utter barrister, but the early books of the society do not give the date of the calls to the bar. The character he acquired as a lawyer may be judged from his being soon afterwards selected by the governors to deliver lectures on the science at one of the Inns of Chancery dependent on their house. Furnival's Inn was the scene of his readings, which were so highly estimated that this annual appointment was renewed for three successive years.

At this period he seems to have been impressed with strong religious feelings, and not only to have employed his time in devotional exercises, but to have subjected his body to penitential austerities. For the purpose of pursu-

[1] *See* ante, p. 122.

ing these spiritual objects, he established himself near the Charter House that he might daily attend the services of that foundation; and during the four years of his residence there, his mind wavered between the choice of a monastic life, and the adoption of the priesthood. It was perhaps while in this state of mental probation, that he delivered lectures at St. Lawrence's church in the Old Jewry on the work of St. Augustine, "De Civitate Dei," to a crowded audience comprehending the most learned men, both lay and clerical, in the city. That these lectures formed no part of his legal requirements may be presumed from the absence of any other similar example: and it is even doubtful from a passage in one of Erasmus's letters whether they were not in fact delivered at Oxford.

But time, or perhaps the attractions of female society, cured him of his disposition to a pious retirement. His son-in-law Roper thus simply relates his course of love. "He resorted to the house of one Maister Colte, a gentleman of Essex, that had oft invited him thither, having three daughters whose honest conversation and virtuous education provoked him there specially to set his affection. And albeit his mind most served him to the second daughter, for that he thought her the fairest and best favoured, yet when he considered that it would be both great grief and some shame also to the eldest to see her younger sister preferred before her in marriage, he then of a certain pity framed his fancy towards her, and soon after married her, never the more discontinuing his study of the law at Lincoln's Inn, but applying still the same until he was called to the bench, and had read there twice, which is as often as any judge of the law doth ordinarily read."

This marriage, which took place in 1505, proved a very happy one, but was dissolved by the death of the lady in little more than six years, after giving birth to three daugh-

ters and one son, whom Roper quaintly says "he would often exhort to take virtue and learning for their meat, and play for their sauce." They lived in Bucklersbury.

It must have been about a year previous to this marriage that the incident related by Roper occurred, which distinguishes More as the first public opponent to a parliamentary grant of money to the crown. The last Parliament in the reign of Henry VII. met in January, 1504, and in it a bill was introduced demanding an aid of three fifteenths for the recent marriage of the king's eldest daughter Margaret with the King of Scots. On the debate of this bill, More, who had been returned a burgess, used "such arguments and reasons there against that the king's demands were thereby clean overthrown." The statute itself shows that the king excused not only the aid, but 10,000*l.* also of the 40,000*l.* offered by the Commons.[1] But his majesty being informed "that a beardless boy had disappointed all his purpose," and "conceiving great indignation against him, could not be satisfied until he had some way revenged it. And forasmuch as he nothing having, nothing could lose, his grace devised a causeless quarrel against his father, keeping him in the Tower till he had made him pay to him a hundred pounds' fine." The king lived above four years afterwards, and More does not appear to have met with any other impediment to his studies or interruption of his domestic happiness.

It was not till after the accession of Henry VIII. that More was appointed one of the governors of Lincoln's Inn. In the autumn of 1511, the third year of that reign, his first reading took place, and his second in Lent, 1516, about two years before his father became a judge.

In the interval between these two dates, More's legal reputation rose so high that there was scarcely any con-

[1] Stat. of Realm, ii. 975.

troversy in the courts, in which he was not employed as counsel for one of the parties. On September 3, 1510, he had been made under sheriff of London, in the room of Richard Brooke, who was then appointed recorder, and afterwards became chief baron of the Exchequer. On the under sheriff in those days not only devolved the duties which that officer has now to perform, but he acted also as the judicial representative of the sheriff in all those numerous cases which came under his jurisdiction, part of which have since been decided by a regularly constituted judge of the Sheriff's Court. An entry in the city records states that on May 8, 1514, it was agreed by the common council, "that Thomas More, gentleman, one of the under sheriffs of London, should occupy his office and chamber by a sufficient deputy, during his absence as the king's ambassador in Flanders." As this shows that he still held the office, and as there is evidence of his continuing in it for several years beyond this license, and that the nomination was then in the common council, there is no doubt that, though it might nominally receive an annual confirmation, it was the practice to select for the sheriff's assessor some eminent individual learned in the law, and not to remove him but for serious cause.

Although in the above entry he is called "the king's ambassador in Flanders," there is no record in Rymer of such an appointment. It may be presumed, however, that this was one of the two occasions mentioned by Roper, when he was sent, with the king's concurrence, to arrange certain questions between the English and foreign merchants established in the Steel Yard, who enjoyed great privileges in this country. The other embassy was probably that in 1515 (for which he received a similar license from the city); for in a letter of 1516 he tells Erasmus, "When I returned from my embassage of Flanders, the king's majesty would have granted

me a yearly pension: which, surely, if I should respect honour and profit, was not to be contemned by me, yet have I as yet refused it, and I think I shall refuse it, because either I should forsake my present means which I have in the city, which I esteem more than a better, or else I should keep it with some grudge of the citizens, between whom and his highness if there should happen any controversies (which may sometime chance), they may suspect me as not trusty and sincere with them because I am obliged to the king with an annual stipend." This was no doubt one of the temptations held out to him by Wolsey at the king's desire to induce him to come to the court; and which at that time he successfully resisted. He might indeed very reasonably hesitate to risk any change in his position, since he estimated the gains from his office and his private business at 400*l.* a year, which according to the then value of money would be considered a splendid income. It is not unlikely that the appointment of his father as a judge two years afterwards operated more effectually in securing his services to the court.

Hall's description of him as "*Syr* Thomas More *late* undershrife and then of the kinges counsaill," in the account given by that chronicler of the London insurrection on Evil May day, 1517 [1], is clearly erroneous in two parts of it, and probably so in the third. The city records, as quoted by Sir James Mackintosh, state his resignation of the undersheriffalty on July 23, 1519. His entrance into the Privy Council was not likely to precede that event; and probably occurred immediately afterwards. The earliest recorded notice of his connection with the court is in April, 1520, when he was the last named of four commissioners to settle provisions in the treaty of commerce with Charles V. His name is there inserted without any addition; and he is only called "Armiger" in another commission of June in the same year,

[1] Hall's Chron. ed. 1809, p. 588.

by which he was one of those appointed to accommodate certain questions with the "socios" of the Hanse Towns. Between this date and May, 1522, he received his knighthood, being then named as one of the knights assigned to attend the king on the visit of the emperor.[1] The immediate cause of his elevation is stated to have been his successful resistance in the Star Chamber, to the king's claim for the forfeiture of a ship belonging to the pope, which had been seized at Southampton. The erudition which he then displayed, and his powerful arguments in the cause, so pleased the king that he would listen to no further excuses, but at once retained More in his service, by introducing him into the Privy Council.[2] In May, 1522, and January, 1525, he was rewarded with divers manors and lands to the value of 60*l.* a year, the grants of which were annulled soon after his disgrace.[3]

His intimate relation both with the king and Cardinal Wolsey at this period is manifest from a variety of letters, published in Sir Henry Ellis's first series, exhibiting the closest confidential communication on political affairs. The conferences to which they relate generally took place in the royal closet after supper. He became engaged in many other diplomatic missions besides those before referred to; and he appears from his correspondence with Erasmus to have been for a long time stationed at Calais for the convenience of continental negotiations,—a position which was not only distasteful to him, but unprofitable also. He accompanied Wolsey in his ostentatious embassy to France in 1527; and it was probably on this occasion that the cardinal, on asking him to point out anything that was objectionable in the treaty he had prepared, flew into a rage because More ventured to

[1] Rymer, xiii. 714. 722. 768.

[2] His biographers say that he was made master of Requests; but in the epitaph he wrote for himself, he does not mention that office.

[3] Stat. Realm, iii. 528.

suggest some amendment, concluding his violence by saying, "By the mass, thou art the veriest fool of all the council." More, smiling, answered simply, "God be thanked the king our master hath but one fool in his council." His last mission was two years afterwards to Cambray, in conjunction with his old friend Bishop Tunstall, as ambassador to the emperor.

It was on one of these journeys that More silenced a bragging fellow who had posted a challenge in Bruges that he would answer whatever question could be propounded to him in any art whatsoever. Sir Thomas demanded an answer to the following: "An Averia capta in Withernamia sunt irreplegibilia?" adding that there was one of the English ambassador's retinue who would dispute with him thereof. The derision of the city was fairly excited by the arrogant presumer being obliged to acknowledge that he did not even understand the terms of the proposition.

Not long after the death of his first wife, he contracted a second marriage with Mrs. Alice Middleton, a widow, who survived him without giving any addition to his family. As over his first choice, so over this, a little romance is thrown; for the lady is reported to have suggested to him while urging the suit of a friend, that if he pleaded in his own behalf he might be more successful. "Upon this hint he spake," and, his friend wisely withdrawing, he soon after married her. From Bucklersbury he removed to Crosby Place[1], and in 1523 to the house he built at Chelsea.[2] The picture of his domestic life is most delightfully drawn by Erasmus. His family circle, increased as it was by the husbands of his daughters and the wife of his son, seems to

[1] Burgon's Gresham, i. 420.; Blackburn's Hist. of Crosby Place.

[2] This house was at the north end of Beaufort Row, and, after a succession of illustrious possessors came into the hands of Sir Hans Sloane, who pulled it down in 1740. — *Hunter*, p. 104.

have been the centre of happiness. The duties of religion were never omitted; every hour was employed in useful study, or intellectual intercourse, or sober mirth: gentleness was the spirit that guided, and love the bond that united them.

While employed in the study and practice of the law, he had not deserted the literary path in which he had first delighted. He improved himself in all the learning then attainable; he associated with the most eminent and intellectual men of the time; he kept up a constant correspondence with Erasmus; and he even found leisure for literary composition. The "History of Richard III." is published among his works; but doubts have been raised whether he was really its author, some attributing the composition of the Latin original to Cardinal Morton, and only the English translation to More. His "Utopia," upon which his fame as an author principally rests, is the history of an imaginary commonwealth, in which he advances and advocates some doctrines in philosophy and religion greatly in advance of the age, with so much force and liberality that it seems surprising that the work escaped the censures of the government. It was written in Latin, and published about 1516.

Being now a member of the Privy Council, he was selected as speaker of the parliament, which, after eight years' discontinuance of that assembly, met on April 15, 1523. His address on being presented to the king, containing the protestation of his own disability and the claim for freedom of debate so customary at the present day, will always serve as a model for future speakers. A few days afterwards an incident occurred which his son-in-law relates in too lively a manner to be recorded otherwise than in his own words: —

"At this Parliament, Cardinal Wolsey found himself much grieved with the burgesses thereof, for that nothing was so

soon done or spoken thereon, but that it was immediately blown abroad in every ale-house. It fortuned at that parliament a very great subsidy to be demanded, which the cardinal fearing would not pass the Commons' house, determined for the furtherance thereof to be there present himself. Before whose coming, after long debating there, whether it were better but with a few of his lords, as the most opinion of the house was, or with his whole train loyally to receive him there amongst them — 'Masters,' quoth Sir Thomas More, 'for as much as my Lord Cardinal lately, ye wot well, laid to our charge the lightness of our tongues for things uttered out of this house, it shall not in my mind be amiss to receive him with all his pomp, with his maces, his pillars, his poll-axes, his crosses, his hat and his great seal too; to the intent that if he find the like fault with us hereafter, we may be the bolder from ourselves to lay the blame on those that his Grace bringeth hither with him.' Whereupon the House wholly agreeing, he was received accordingly. Where after he had in a solemn oration proved how necessary it was the demand there moved to be granted, and further showed that less would not serve to maintain the prince's purpose, he seeing the company sitting still silent and thereunto nothing answering, and contrary to his expectation showing in themselves towards his request no towardness of inclination, said unto them, 'Masters, you have many wise and learned men amongst you, and sith I am from the king's own person, sent hither unto you for the preservation of yourselves and all the realm, I think it meet you give me some reasonable answer.' Whereat every man holding his peace, then began he to speak to one Master Marney, afterwards Lord Marney.[1] 'How say you,' quoth he, 'Master Marney?'

[1] This must have been John, the second Lord Marney, who was then one of the esquires of the king's body. Henry, the first lord, had been created a baron a fortnight before the meeting of the parliament.

who making him no answer neither, he severally asked the same question of divers others accounted the wisest of the company: to whom, when none of them all would give so much as one word, being agreed before, as the custom was, to answer by their speaker, 'Masters,' quoth the cardinal, 'unless it be the manner of your house, as of likelihood it is, by the mouth of your speaker whom you have chosen for trusty and wise, (as indeed he is,) in such cases to utter your minds, here is without doubt a marvellous obstinate silence;' and thereupon he required answer of Master Speaker;—who by first reverently on his knees excusing the silence of the house, abashed at the presence of so noble a personage able to amaze the wisest and best learned in a realm, and after by many probable arguments proving that for them to make answer was neither expedient nor agreeable with the antient liberty of the house; in conclusion for himself showed, that though they had all with their voices trusted him, yet except every one of them could put into his one head all their several wits, he alone in so weighty a matter was unmeet to make his grace answer. Whereupon the cardinal, displeased with Sir Thomas More, that had not in this parliament in all things satisfied his desires, suddenly arose and departed."

Though the Commons did not make a grant equivalent to the extravagant demand of the court, they imposed a tax with which the cardinal was obliged to appear content; and he had the wisdom to conceal his personal dissatisfaction at More's firmness, by not only requesting the king to grant the usual reward of 200*l.* to the speaker, "because no man could better deserve the same than he had done," but to add this complimentary expression to his letter: "I am the rather moved to put your highness in remembrance thereof, because he is not the most ready to speake and solicite his own cause."[1]

[1] State Papers, i. 124., as quoted by Lingard, vi. 67.

It was no doubt in reference to this application that More speaks in a letter to Wolsey: "Furthermore hit may lyke your good Grace to understand that at the contemplation of your Grace's letters, the king's Highnes is graciously content that byside the hundred poundes for my fe for th' office of the Speaker of his Parleament, to be taken at the receipte of his Eschequer, I shall have one other hundred poundes owte of his cofres by th' ands of the tresorer of his Chambre; wherfore in most humble wise I besech your good Grace that, as your graciouse favor hath obteigned hit for me, so it may lyke the same to wryte to Mr. Wiatt that he may deliver hit to such as I shall send for hit."[1]

But the cardinal could not entirely suppress his annoyance. He said to the speaker, "Would to God you had been at Rome, Master More, when I made you speaker." "Your Grace not offended," answered More, "so would I too, my lord." And Roper charges the cardinal with endeavouring to remove him from his path by counselling the king to send him ambassador to Spain. More, however, remonstrated with his Majesty, who replied, "It is not our pleasure, Master More, to do you hurt, but to do you good we would be glad: we therefore for this purpose will devise upon some other, and employ your service otherwise."

The date of More's appointment as under-treasurer of the Exchequer is uncertain; but he is described in that character in August, 1525, as one of the ambassadors to conclude a treaty with France.[2] From this office he was raised to that of chancellor of the duchy of Lancaster on the 25th of the following December[3], which he held till he became chancellor of England.

The Great Seal was delivered to More by the king, "at his manor of Pleasaunce, alias Estgrenewiche," on October

[1] Ellis's Letters, First Series, i. 196.
[2] Rymer, iv. 56. 69. 74.
[3] Mackintosh, p. 48.

25, 1529, eight days after Cardinal Wolsey had been deprived of it. The next day he was inducted into his seat in the Court of Chancery "after a noble exhortation" by the Duke of Norfolk "as well to the chancellor as to the people, and an answer of the chancellor."[1] No previous example of any introductory address on such an occasion occurs; and the object of the duke's speech seems to have been to justify the king's selection of a layman instead of an ecclesiastic or a nobleman, by enlarging on the wisdom, integrity, and wit of Sir Thomas, and the extraordinary abilities he had already shown in the affairs that had been entrusted to him. More's answer was modest and becoming, with a graceful and feeling allusion to the fall of his predecessor.

The contrast between his modesty and the cardinal's arrogance could not fail to secure universal satisfaction at his appointment to this high office; and his whole conduct while he retained it justified the favourable opinion that had been formed of him. Although he presided in the court little more than two years and a half, his diligence in the performance of its duties was so great, that he is said on one occasion to have risen from his seat because there was no other cause depending before him. It must not be forgotten, however, that the number of suits in that age will bear no comparison with those in the present day. At the time of his elevation, his father was a judge of the King's Bench. The two courts were opposite to each other in Westminster Hall; and every day during the sittings a rare example of filial piety was exhibited to those around, of the head of the law kneeling before his aged parent to receive his blessing ere the business commenced. The old man died in the course of the following year; but his death added little to the fortune of his son, for the estate was settled

[1] Claus. 21 Hen. VIII., n. 18. m. 19.

on Sir John's widow during her life, which extended ten years beyond that of Sir Thomas.

Various anecdotes are told of him during his elevation, which, while they show his own integrity, raise a suspicion that corruption in the judgment-seat had not been previously uncommon. The poorest suitor obtained ready access to him and speedy trial; while the richest offered presents in vain, and the claims of kindred found no favour. Even his son-in-law Giles Heron, refusing, in his reliance on the chancellor's family affection, to fall into a reasonable arbitrement, was obliged to submit to "a flat decree against him." The custom of presenting new year's gifts often afforded a cover to suitors in his court for tendering bribes, which, when attempted, he would with sly humour evade. A rich widow named Croker, who had obtained a decree against Lord Arundel, presented him one new year's day with a pair of gloves and forty pounds in angels in them. Emptying the money into her lap, he told her that, as it was "against good manners to forsake a gentlewoman's new year's gift, he would take her gloves, but refuse the lining." Another suitor brought him a gilt cup, "the fashion whereof he very well liking, caused one of his own, better in value, to be brought, which he willed the messenger in recompense to deliver to his master." And on a complaint made to the council after his resignation, that he had accepted a great gilt cup which a party in whose favour he had pronounced a decree had sent to him by his wife, he acknowledged that he had done so, but "further declared that albeit he had indeed received that cup, yet immediately thereupon caused he his butler to fill it with wine, and of that cup drank to her, and that when he had so done, and she pledged him, then as freely as her husband had given it to him, even so freely gave he the same again to her to give unto her husband for his new year's gift."

Besides his regular attendance in the court, he encouraged those who had complaints to resort to him at his own house, where he would sit in his open hall, in many instances bringing the parties to a friendly reconcilement of their disputes. He forbade any subpœna to be granted until the matter in issue had been laid before him with the lawyer's name attached to it, when if he found it sufficient he would add his fiat, but if too trifling for discussion would refuse the writ. Even in the performance of this duty he could not restrain his humour; and it is related that a case having been laid before him by one "Tubbe" an attorney, which he found to be on a very frivolous matter, he returned the paper with the words "a tale of a" prefixed to the lawyer's signature, "Tubbe." The Common Law judges having complained then, as indeed they did for a long time afterwards, that their judgments were suspended by injunctions out of Chancery, Sir Thomas caused a list of those he had granted to be made out, and inviting the judges to dinner, discussed with them the grounds of his decision in each case. On their acknowledging these to be just and reasonable, he recommended them themselves in future to qualify the extreme rigour of the law by like equitable considerations, and thus prevent the necessity of the chancellor's interference.

More's retirement from the chancellorship arose from no diminution of the king's favour, but was the result of his own earnest application. During his whole tenure of it, the question of the king's marriage, which had been so fatal to Wolsey, continued to be agitated. The opinions of the foreign as well as the English universities had been taken; and the chancellor had been called upon to present these, and the answers of many theologians and canonists, to the House of Commons; but still his own conscience was not satisfied, and, not only dreading the evil consequences which he thought he foresaw from these proceedings, but looking no

doubt with a suspicious eye on the interference in ecclesiastical matters which Cromwell was then anxiously urging, he sought to be relieved from the responsibility of measures which he could not conscientiously sanction. Still so prudent had been his bearing, that when under pretence of illness he obtained permission to resign the Seal on May 16, 1532[1], the king granted his discharge with cordial acknowledgments of his services, and gracious promises of continued favour, causing the Duke of Norfolk, on introducing his successor, to say that he had been only allowed to retire at his own earnest entreaty, and obliging the new chancellor to repeat the expression in the royal presence at the opening of parliament.

It is much to the credit of King Henry's discrimination, that from More's first entrance into his service he distinguished him with peculiar confidence. He not only recognized in Sir Thomas that solidity of understanding and that integrity of character so valuable in a counsellor, but appreciated those intellectual powers and that liveliness of humour which made him so attractive as a companion. Thus, while he was employed abroad in most important missions, he was honoured when at home with a large share of royal familiarity. So frequently was his presence required by the king, as well to enter into scientific and learned discussions as to enliven the royal table by his merry conversation, that, in order to relieve himself from a restraint which kept him from his own family, he was compelled to assume a more solemn deportment, and by gradually discontinuing his former mirth to secure himself from such frequent invitations. We have seen how favourably the king listened to his disinclination to the Spanish embassy, and how he was raised, without the slightest effort on his part, to fill a position not usually occupied by persons of his rank, and

[1] Claus. 24 Hen. VIII., n. 16. m. 24.

which had in its last possessor acquired an eminence which made his appointment still more remarkable. Even on the home question of the divorce, on More's representing that he could not conscientiously give any counsel "to his grace's contentation," the king absolved him from his service therein, and promised not to "molest his conscience afterward in reference to it." The king's continued enjoyment of his society would be often shown by his sudden visits to More's house at Chelsea, partaking of his dinner, and treating him with that sort of playful kindness of which there is no other example than the intercourse between Henry II. and Becket before the latter was invested with the archiepiscopal mitre. More, however, was not deceived as to the real character of his sovereign. On one occasion, when the king had been strolling for an hour in the garden at Chelsea with his arm round More's neck, his son-in-law Roper congratulated him on being "so familiarly entertained," saying he had never seen the king do so to any before except Cardinal Wolsey, with whom he had once seen "his grace walk arm in arm." "I thank our Lord," answered More, "I find his grace my very good lord indeed, and I believe he doth as singularly favour me as any subject within this realm; howbeit, son Roper, I may tell thee, I have no cause to be proud thereof, for if my head would win a castle in France it should not fail to go."

In less than a year after More's resignation, the king's marriage with Anne Boleyn was acknowledged. Many were the attempts made by Henry to induce Sir Thomas, at first by flattering messages and large promises, and afterwards by menaces, to give his concurrence. His inflexible adherence to his opinion gradually irritated the king to such an extent, that in his anger he forgot all the services More had rendered, and determined either to force his acquiescence or to punish his refusal. It was only by the strong repre-

sentations made by the new chancellor (Audley) and his other ministers, of his imminent risk of being defeated in parliament, that the king consented to leave More's name out of the bill of attainder against parties supposed to be implicated in the treason of Elizabeth Barton, the Holy Maid of Kent. The desired opportunity, however, was not long wanting. On the king's marriage an act had been passed, fixing the succession of the throne on his issue by Anne Boleyn; and by one of its clauses an oath was required from all the king's subjects to maintain that settlement.[1] This oath More would not have hesitated to take, as he admitted the right of parliament to regulate the settlement. But the form submitted to him containing in addition assertions of the invalidity of the king's first marriage, and of the validity of the second and of the divorce, More felt himself obliged to refuse it. He was accordingly committed to the Tower on April 17, 1534, and was attainted for misprision of treason on this account, by a separate act passed in the following November, which rendered void the king's former grants to him, and deprived him of all his other property of every kind.[2]

Not content with keeping his unfortunate victim in strict confinement for more than a year, the arbitrary monarch, urged on, it is feared, by the new queen, resolved to pursue him to extremities. Another statute of the same parliament enacted that the king should be reputed the only supreme head on earth of the Church of England, and should have the title and style thereof annexed to his imperial crown; and by this act it was declared high treason to attempt to deprive the king of his title.[3] More, in all the interrogatories to which he was artfully subjected with a view to entrap him, evaded the question either by total silence or by

[1] Stat. of the Realm, iii. 471. Ibid. 528.
[2] Ibid. 492. 508.

saying, "I will not meddle with such matters, for I am fully determined to serve God, and to think upon his passion and my passage out of this world." At last, on June 12, 1535, a deputation waiting on him to take away his books, Rich the solicitor-general, who was one of the party, under pretence of friendly remonstrance, inveigled More into an argument, by putting the case whether he would not acknowledge Rich to be king if parliament had declared him so. To this More answered in the affirmative, because parliament could both make and depose kings; but in return asked Rich whether he could, in obedience to an act of parliament, say that God was not God. Rich agreed that he could not, because it was impossible, but, suggesting that this was too high a case, cunningly proposed one which he said was between the two, asking him why, if he would acknowledge a king made by act of parliament, he should not take King Henry as supreme head of the Church, since he was so constituted by act of parliament. The reply to this, as alleged by Rich, but denied by More, was, that a subject could not be thus bound, because it was not a thing to which he *could* give his consent in parliament.

Disgracefully interpreting these words into a malicious denial of his title, the sanguinary tyrant, glad to find any pretence to vent his animosity, caused an indictment to be immediately prepared.[1] On the trial Rich made himself infamous by his perjured representation of this "familiar secret talk;" an obsequious jury declared More to be guilty, and the traitor's sentence was pronounced against him by the court, — the former no way regarding his unanswerable defence, and the latter disallowing all his exceptions to the indictment. With a solemn prayer that his judges might be pardoned for his condemnation, he retired from the bar. On leaving the court his son met him, and kneeling down begged

[1] *See* Mr. Bruce's excellent paper in the Archæologia, xxvii. 361—374.

his blessing; and as he entered the Tower, his favourite daughter Margaret rushed through the crowd, and throwing her arms round his neck covered him with kisses, but, overwhelmed by her grief, could utter nothing but "Oh! my father, oh! my father!"

Little time was allowed to elapse ere the final scene was enacted. His conviction took place on July 1, 1535[1]; and on the 6th his head was severed from his body in the front of the Tower. Even in his last moments, impressed as he showed himself to be with the awful solemnity of his position, he exhibited no fear, and, amidst the prayers that he piously uttered, could not repress the humour which had always characterised him.

When he was informed that the horrible part of the sentence was changed into beheading, he answered, merrily, "God forbid the king should use any more such mercy unto my friends; and God bless all my posterity from such pardons."

"Pray, master lieutenant," said he to that officer as he was ascending the scaffold, which seemed to give way, "pray see me safe up; and as to my coming down I will shift for myself." And when he laid his head on the block, he desired the executioner to stop till he had put his beard aside; "for that," said he, "has committed no treason."

His body was buried in St. Peter's within the Tower, but was at last removed by his daughter Margaret to the tomb in Chelsea church which he had prepared during his life. His head, after remaining for some time exposed on London Bridge, a disgusting evidence of the ingratitude of princes, came also into the possession of his affectionate child, on whose death it was buried in her arms in St. Dunstan's, Canterbury.

[1] Baga de Secretis; 3 Report Pub. Rec., App. ii. 241.

Two years after his execution an annuity of 20*l.* was granted to his widow, Lady Alice More.[1]

His three daughters were all married during his life. The eldest, Margaret, was united to William Roper, whose memoir of his father-in-law forms the staple of all his subsequent biographies. He was son of John Roper, Esq., of St. Dunstan's near Canterbury, at first-prothonotary of the Court of King's Bench (in which office William succeeded him), and afterwards the king's attorney-general. The second daughter, Elizabeth, was married to William Dauncy, Esq.; and the husband of the third daughter was Giles Heron, Esq. John, the only son and last-born child of Sir Thomas, married Anne, daughter and heir of Edward Cresacre of Barnburgh in Yorkshire; and his grandson Cresacre More has been proved by Mr. Hunter to be the author of the life of his ancestor, which had been previously attributed to his brother Thomas. Mr. Hunter conceives that the male progeny of the chancellor became extinct in 1795.

NORWICH, ROBERT.

Just. C. P. 1530. Ch. C. P. 1531.

Although Philipps in his "Grandeur of the Law" (p. 55.) states that Sir Roger Norwich of Brampton in Northamptonshire, Bart., was descended from Chief Justice Robert Norwich, Wotton in his Baronetage (ii. 214.) does not introduce the latter into the pedigree, nor is there any certainty to what family he belonged. He was admitted a member of Lincoln's Inn on February 3, 1503, and attained the rank of reader in autumn, 1518. He was nominated duplex reader in Lent, 1521, on his being called to the degree of the coif, which he assumed in the following Trinity Term, and was appointed king's serjeant on July 11, 1523. From Easter, 1521, his

[1] Auditor's Patent Book, i. 160.

name is of frequent occurrence in the cases in the Year Books. On November 22, 1530, although there was then no vacancy in the court, he was raised to the bench as a puisne judge of the Common Pleas; but evidently as the designated successor of Chief Justice Sir Robert Brudenell, who was a very old man, and on whose death in the following January, Robert Norwich was immediately promoted to his place, the first fine levied before him as chief justice being dated in the same month. His presidency lasted till the beginning of 1535, in the Easter Term of which year he was succeeded by Sir John Baldwin.[1]

His wife survived him till July 1556, when she was buried "with baners and armes," in Essex.[2]

PETIT, JOHN.

B. E. 1527.

JOHN PETIT was a baron of the Exchequer in this reign; but there is evidently some confusion in Dugdale's account of him, since he names him as second baron in Michaelmas, 1527, and as third baron on October 2, 1532, placing John Hales as second baron in 1528. It does not appear whether Petit retired from the bench in the meanwhile, or whether he only took a lower seat on it.

Little more is told about him than that he, like the other officers of the Exchequer at this time, deemed it necessary to belong to an inn of Court. He was appointed reader of Gray's Inn in autumn, 1518; but on account of the sweating sickness which then raged, his nomination to that duty was renewed in the following Lent, and he became duplex reader eight years afterwards, in Lent, 1526.

H. Philipps states that Thomas Petyte, of Boughton-under-Blean in Kent, was his descendant in 1684.[3]

[1] Dugdale's Orig. 47. 251.; Chron. Ser. [2] Machyn's Diary, 110.
[3] Dugdale's Orig. 292.; Chron. Series; Grandeur of the Law, p. 245.

PILBOROUGH, JOHN.

B. E. 1545.

See under the Reign of Edward VI.

POLLARD, LEWIS.

Just. C. P. 1514.

Prince records Sir Lewis Pollard as one of the Worthies of Devon. He was the son of Robert Pollard, whose father John Pollard, of Way, settled on him lands at Roborow near Great Torrington. Lewis was born about 1465, and was called to the bar by the society of the Middle Temple, where he was reader in Lent, 1502. He received the degree of the coif in November of the following year; and from that time, but not before, his name appears in the Reports. His eminence as a lawyer, on which Prince as usual greatly enlarges, may be estimated by his being made one of the king's serjeants on July 9, 1507, and by his having a renewal of his patent on the accession of Henry VIII. In the sixth year of that reign, on May 29, 1514, he was raised to the bench of the Common Pleas. His decisions during the first five years of his judicial career are in Keilwey's Reports; and those subsequently given may be seen in the Year Books. Prince, who wrote about 150 years after him, says that "the fragrant odour" of his faithfulness and reputation "perfumes his memory unto this day."

If he died, as Prince states, in 1540, he must have retired from the bench many years previously; for the last fine acknowledged before him was in Michaelmas, 1525, and he is not mentioned in the Reports even so late as that date. His apparent successor, Thomas Englefield, was appointed about the end of 1526.

By his wife Agnes, daughter of Thomas Hext, Esq., of Kingston near Totnes, he had no less than eleven sons and

eleven daughters; all of whom with his wife and himself were represented in a window of the church of King's Nympton, in which parish he had purchased an estate and erected a stately mansion.

His eldest son, Hugh, was great-grandfather of Lewis Pollard who was created a baronet in 1627, and whose son Sir Hugh in the ensuing troubles devoted himself to the cause of royalty, and lived to see the Restoration. Leaving no male issue, the title became extinct on the death of his brother Sir Amyas Pollard, unmarried, in 1693.[1]

PORT, JOHN.

JUST. K. B. 1527 ?

JOHN Port was a native of Chester, where his ancestors were merchants for several generations. His father was Henry Port, a mercer in that city, who became mayor in 1486; and his mother was Anne, one of the daughters and co-heirs of Robert Barrow, of Chester, who had also attained the same dignity. Pursuing his legal studies at the Inner Temple, he reached the post of reader in autumn 1507, and again in Lent 1515, becoming treasurer in the latter year, and governor in 1520.[2] In 1504 he was one of the commissioners for raising the subsidy in Derbyshire[3]; and in 1514 he was constituted solicitor-general, the duties of which office he performed till Trinity Term, 1521, when he was raised to the degree of the coif. After this period, his name frequently appears in the Year Books as an advocate; but in the later years it is sometimes difficult to distinguish him from William Portman, whose name is often abbreviated.

Though Dugdale does not date his elevation to the bench

[1] Prince's Worthies of Devon; Dugdale's Orig. 47. 113. 215.
[2] Dugdale's Orig. 163. 170. [3] Rot. Parl. vi. 539.

till January, 1533, it certainly took place several years before; and probably immediately after Sir James Fitz James's promotion in 1526 made a vacancy in the puisne judges of the court. In the will of Lawrence Dutton, of Dutton, proved at the college church of St. John in Chester, on January 22, 1527-8, Sir John Port, who is appointed overseer of it, is described as a knight, and one of the judges of the King's Bench[1]; and he was summoned to parliament in that character in November, 1529. He was again summoned in April, 1536[2], and was one of the commissioners on the trials of Sir Thomas More and Bishop Fisher in 1535. His death occurred before November, 1541, as his name does not appear among the judges then summoned to attend the House of Peers.

He married twice; but accounts differ as to the order of his wives. One of them was Margery, daughter of Sir Edward Trafford, of Trafford in Lancashire; and the other was Joan, widow of John Pole of Radburn, and daughter and co-heir of John Fitz Herbert, remembrancer of the Exchequer (uncle to Sir Anthony Fitz Herbert, the judge), by whom he acquired the manor of Etwall in Derbyshire. By the latter he had, besides three daughters, one son, John, who was knighted at the coronation of Edward VI., and died in 1557, leaving only three daughters, who married respectively Sir Thomas Gerard of Bryn, the ancestor of the Baronetcy of that name created in 1611, and still flourishing; Sir Thomas Stanhope, the ancestor of the Earls of Chesterfield; and George the fourth Earl of Huntingdon, of the family of Hastings.[3] By his will, confirmed by a charter of James I., he founded a hospital at Etwall, and a free school at Repton

[1] Lancashire and Cheshire Wills (Chetham Society).

[2] Rymer, xiv. 304. 565.; miscalled *Porter* in the latter entry.

[3] Collins's Peerage, iii. 418., vi. 656., ix. 167.; Wotton's Baronet. i. 55.; Nicholls's Leicestershire, 853.

in Derbyshire, now a prosperous establishment, of which he made the husbands of his three daughters and their heirs governors.[1]

PORTMAN, WILLIAM.

JUST. K. B. 1546.

See under the Reigns of Edward VI. and Mary.

READ, ROBERT.

CH. C. P. 1509.

See under the Reign of Henry VII.

MORPETH in Northumberland was the place from which the family of Chief Justice Sir Robert Read originally came. His grandfather John was the serjeant at law mentioned in the reign of Henry IV., and was settled at Norwich; and his father was Edward, who married Izod, daughter of Sir Humphrey Stanley. Robert was their third son, and was educated at Buckingham Hall, afterwards Magdalen College, in Cambridge, and became a fellow of King's Hall, on the site of which part of Trinity College was built. Adopting the law for his profession, he was placed at Lincoln's Inn, where he became autumn reader in 1480, and Lent reader in 1486, having in the previous November received his preliminary summons to take on himself the degree of the coif.

His name as an advocate is to be found in the Year Books as early as 1484, from which period his arguments are frequently reported. On April 8, 1494, he was appointed king's serjeant; and in about a year and a half afterwards he was made a judge of the King's Bench, by patent dated November 24, 1495, 11 Henry VII., when he was knighted.

On the death of Sir Thomas Frowyk in October, 1506, he was immediately raised to the chief justiceship of the

[1] Bigsby's Repton, 103. 156. 264. I owe some of these particulars to the kindness of Mr. Thomas Hughes, of Chester.

Court of Common Pleas[1]; for, though the record of his patent has not been discovered, he is so denominated by Keilwey in the Michaelmas Term of that year. For this advancement the judge was obliged to pay to the avaricious king the sum of 400 marks, as appears by an account rendered by the noted Edmond Dudley.[2] King Henry named him as one of the executors of his will.[3]

Henry VIII. continued him in his place, which he retained till his death in the tenth year of that reign, his last fine being in Michaelmas Term, 1518.

He founded a chantry at the Charter House of 8*l.* a year for thirty years[4], and established three public lectures at the university of Cambridge, called Barnaby's Lectures, on humanity, logic, and philosophy, besides leaving 100*l.* to Jesus College to found a fellowship and a brewery there.[5]

By his marriage with Margaret, one of the daughters and co-heirs of John Alphew, of Bore Place in Chiddingstone, Kent, he became possessed of that manor (in the church of which he built the north chapel) and, besides other property in the county, of the estate of Brook Place, Sundridge. His only son, Edmund, dying in 1501, the judge's possessions were divided at his death among his four daughters,—Catherine or, as she is sometimes called, Bridget, married to Sir Thomas Willoughby, the judge of the Common Pleas; Jane, the wife of John Caryll, serjeant-at-law; Mary, the wife of Sir William Barringtyne; and Dorothy, married to Sir Edward Wotton.[6]

SALISBURY, Dean of. *See* C. Tunstall.

[1] Dugdale's Orig. 47. 249.; Chron. Series.
[2] Turner's England, iv. 158. [3] Testam. Vetust. 35
[4] Suppression of the Monasteries (Camden Soc.), 68.
[5] Dyer's Univ. of Cambridge, i. 82., ii. 69. 269.
[6] Wotton's Baronet. iii. 256.; Hasted's Kent, iii. 133. 219.

SCOTT, JOHN.

CH. B. E. 1513. ? B. E. 1528.

PHILIPPS, in his "Grandeur of the Law," p. 133., says that this Sir John Scott was a descendant from William Scott, noticed as chief justice of the King's Bench in the reign of Edward III.; but no means are supplied for tracing the pedigree. If it be so, that family was resident at Scott's Hall in Kent, and was not extinct at the close of the last century.

An apprentice of the name is mentioned in the Year Books in 20 Henry VII., 1504, who probably was the same person who became chief baron of the Exchequer on January 8, 1513, on the death of Sir William Hody.[1] His name does not occur as a judge in any of the reporters; and his continuance on the bench is only to be inferred from the fact that a new chief baron, John Fitz-James, was appointed in February, 1521.

Sir Edward Poynings, who died at the end of that year, married Isabel, "who was a daughter of Sir John Scott;" but whether he was the chief baron does not appear.[2]

Dugdale mentions a John Scott, who received a patent as third baron on May 15, 1528, being six years after the appointment of John Fitz-James as chief baron. If this be the same man as John Scott the chief baron, he must have been removed to make way for Fitz-James, and have been replaced in an inferior seat on the bench at this time; but history is totally silent on the subject, and the name of Scott was so common as to defy the endeavours of the most industrious to determine whether this third baron was or was not the same individual. He is named two years afterwards as one of the commissioners to inquire into the possessions of Cardinal Wolsey in Surrey.[3]

[1] Rot. Pat. 4 Hen VIII. p. 2.

[2] Testam. Vetust. 578.

[3] Rymer, xiv. 402.

SHELLEY, WILLIAM.

Just. C. P. 1526.

See under the Reign of Edward VI.

SMITH, JOHN.

B. E. 1539.

The original name of this family, tracing its lineage to the standard-bearer of Richard I., was Carrington, which was changed in the reign of Henry VI. to that of Smith, by John Carrington, who was obliged to fly the country. His son Hugh of Cressing in Essex, who died in 1485, was father to this John Smith, who became treasurer's remembrancer in the Exchequer. On August 1, 1539, he received a grant of the office of second baron of that court, in reversion after the death or retirement of John Hales, whom it appears he succeeded in the following Michaelmas Term. He preserved his seat on the bench during the remainder of the reign, but was not reappointed on the accession of Edward VI.

He married twice. By his first wife, Alice, daughter and co-heir of Edward Wood, grocer of London, he had six sons. By his second wife, Agnes, daughter and heir of John Harwell of Wotton Waven in Warwickshire (with whom he received a large estate) he had two sons and six daughters. From one of his sons descended Sir Charles Smith, whom Charles I. created Lord Carrington of Wotton Waven, on October 31, 1643, adding on November 4 the Irish Viscounty of Carrington of Barrefore; but both titles became extinct on the death of his son without issue in 1705.[1]

SOUTHWELL, ROBERT.

M. R. 1541.

See under the Reign of Edward VI.

[1] Dugdale's Chron. Ser.; Dugdale's Baron. ii. 470.; Morant's Essex, ii. 114.; Collins's Peerage, viii. 549.

SPELMAN, JOHN.

JUST. K. B. 1528.

THE pedigree of the Spelmans, as drawn out by the learned antiquary Sir Henry Spelman, commences three generations before the reign of Henry III., with William Spileman, knight, Lord of Brokenhurst in Hampshire. The family afterwards removed into Suffolk, and in the fifteenth century into Norfolk, where they possessed very large estates. Henry Spelman, the father of the judge, is described in this pedigree as holding no less than eight manors. He was himself a lawyer, and for many years recorder of Norwich, and once its representative in parliament. He died in 1496, leaving by his second wife, Ela, daughter and heir of William de Narburgh of Narburgh in Norfolk, seven children, of whom the judge was the youngest son.

Sir John Spelman studied the law at Gray's Inn, and is the first named in Dugdale's list of the readers of that house. He read twice,— once in Lent, 1514, and again in Lent, 1519. He was called to the degree of the coif in Trinity Term 1521, and made king's serjeant in 1528; and between these latter periods his forensic arguments are reported in the Year Books. The date of his elevation to the bench is not given; but Dugdale introduces him among the judges of the King's Bench in 24 Henry VIII., 1532[1]; and Coke, in 3 Report, 44, mentions a judgment of his in Trinity Term of that year. In 1535 he officiated as a commissioner on the trials of Sir Thomas More and Bishop Fisher; and in the following year he was no doubt present at that of Queen Anne Boleyn, since Burnet says that he had seen an account of it written in the judge's own hand.[2] He died on February 26, 1544, according to the inscription on his tomb in Narburgh church,

[1] Dugdale's Orig. 292.; Chron. Ser. [2] State Trials, i. 387. 398. 412.

his figure on which, in the robe and coif of a judge, is engraved in Cotman's "Norfolk Brasses."

He married Elizabeth, the daughter and heir of Sir Henry Frowyk of Gunnersbury in Middlesex, the elder brother of Chief Justice Sir Thomas Frowyk. By her he had a family of twenty children, thirteen sons and seven daughters. His fifth son, Henry, was the father of the eminent antiquary Sir Henry, whose second son was Clement Spelman, a baron of the Exchequer in the reign of Charles II.[1]

TAYLOR, JOHN, Archdeacon of Derby and Buckingham. M. R. 1527.

John Taylor is supposed by Anthony Wood to have had a tailor for his father, and to have been born in a poor cottage at Barton in the parish of Tatinhills in Staffordshire. He was one of three produced at a birth, who being presented as a curiosity to the king while hunting in that country, were by the royal command all carefully educated. Whatever was his origin, he did credit to his instructors by becoming an eminent canonist of his day.

It would appear from Wood's description of him as "a doctor of decrees and of the sacred canons *beyond the seas*," that he took his degree in a foreign university; and this seems likely from his being incorporated at Cambridge in 1520, when Cardinal Wolsey visited that university, and at Oxford in May, 1522. He was ordained sub-deacon in 1503, being then rector of the parish of Bishop's Hatfield in the diocese of Lincoln, as he was afterwards of that of Sutton Coldfield in Warwickshire, and at a still later date of Halifax in Yorkshire. In August, 1504, he was united with Dr. John Yonge and others in negotiating the treaty of commerce with Philip, Duke of Burgundy; and in the first year

[1] Gibson's Life of Sir Henry Spelman, prefixed to Reliquiæ Spelmannianæ; Weever's Fun. Mon. 820.; Blomefield's Norwich, i. 171.

of Henry VIII., 1509, he was made clerk of the parliament. With this appointment he not improbably filled that of a master in Chancery also, the two offices being commonly held together. He still retained it in the parliament of 1515, in which year he was also prolocutor of the convocation, having just previously been collated to the Archdeaconry of Derby, which was followed in the next year by that of Buckingham.

At this time he was an attendant on the court, and was sent to greet the Venetian embassy, at Deptford, on its arrival in May, 1515. The answer which he made by the king's command to the ambassador's Latin oration on his introduction, is preserved among the Cotton MSS. in the British Museum, Nero, b. vii. fo. 12.[1]

In 1525 he was again engaged in diplomatic duties; and in 1526 he was sent to France with the ostensible object of congratulating Francis on his release from captivity, but in reality to induce his Majesty to violate the treaty he had just concluded with the Emperor. Dr. Taylor's success in this negotiation received the reward not unusually conferred for such services. On June 26, 1527, he was appointed master of the Rolls, and was soon after sent with several others to invest the French king with the order of the Garter. He was also named as one of the commissioners to try the validity of King Henry's marriage with Queen Catherine, the duty of examining the witnesses devolving upon him. After being seated at the Rolls for above seven years, he delivered up his patent to be cancelled on October 6, 1534, in order that the king might invest his favourite, Cromwell, with the place. His death followed very soon after, a successor in the archdeaconry being collated before the end of the year.[2]

[1] Four Years at the Court of Henry VIII., vol. i. p. 89.

[2] Wood's Fasti Oxon. i. 62.; Dugdale's Chron. Ser.; Rymer, xiii. 105., xiv. 106. 232.; Le Neve, 135. 168.; State Trials, i. 312.; Lingard, vi. 86.

TUNSTALL, CUTHBERT, Archdeacon of Chester; Dean of Salisbury; Bishop of London and Durham.

M. R. 1516.

The grandfather of Cuthbert Tunstall was Sir Thomas Tunstall of Thurland Castle in Lancashire, who had two sons, Richard and Thomas, both of whom after gallantly supporting King Henry VI., and suffering in his cause, made their peace with Edward IV., received honours from Richard III., and eventually ingratiated themselves with Henry VII.[1] Each of these sons has at different times been described as the father of Cuthbert; but the evidence adduced by Surtees tends strongly to fix the parentage on Thomas.[2] His birth is said to have been illegitimate; and a curious story told by George Holland in the genealogical table of his family, compiled in 1563, may be supposed to give some grounds not only for this belief, but also for the report that Richard, and not Thomas, was his father. He says, "Cuthbert Tunstall, late Bishop of Durham, in his youth near two years was brought up in my great-grandfather Sir Thomas Holland's kitchen unknown, 'till being known, he was sent home to Sir Richard Tunstall his father, and so kept at school, *as he himself declared in manner the same to me.*"[3]

Cuthbert was born in 1474 or 1475, at Hatchford in Richmondshire, and was entered at Baliol College in Oxford in 1491, but, on account of the plague then raging there, was removed to the sister university as a member of King's Hall, now part of Trinity College. He then completed his studies at the university of Padua, where he took the degree of Doctor of Laws, and on his return to England entered into holy orders, being only sub-deacon in 1508.

At this date he received, as his first clerical preferment,

[1] Gent. Mag. Nov. 1851, p. 467.

[2] Surtees's Durham, i. lxvi.

[3] Blomefield's Norfolk, i. 232.

the rectory of Stanhope in Durham, which was followed by that of Harrow-on-the-Hill in Middlesex, by prebends in the churches of Lincoln and York, and by his receiving the appointment of vicar-general from Archbishop Warham. Introduced by that prelate to King Henry, the talents and learning for which he had been recommended were soon employed in diplomatic services. In October, 1515, he was sent as ambassador to negotiate a treaty of peace with the Archduke Charles[1], his success in which no doubt led to his nomination on May 12 in the following year to the office of master of the Rolls, then vacant by the death of John Yonge, Dean of York.[2] In 1519 he was made Archdeacon of Chester, and soon afterwards was engaged with Sir Thomas More in settling the provisions under the commercial treaty with Charles, now Emperor. While at Brussels on this embassy, his friendship commenced with Erasmus, in whose house he lodged. In May, 1521, he became Dean of Salisbury; and soon after the death of Richard Fitz-James, Bishop of London, in January, 1522, was elected to that see, the temporalities during the vacancy being granted to him on February 17. His consecration, on account of some informality in the papal confirmation evidenced by two subsequent grants of the temporalities[3], did not take place till October 9, immediately after which he resigned the mastership of the Rolls.

Surtees says that just previous to this he was made keeper of the Great Seal; and Parry in his "Parliaments and Councils" mentions him as chancellor at the parliament of April, 1523. But both authors are manifestly mistaken; for Cardinal Wolsey was then in the plenitude of his power. Tunstall was, however, appointed keeper of the Privy Seal on July 12, 1523. In November of the same year he had

[1] Rymer, xiii. 537.

[2] Dugdale's Chron. Ser.

[3] Rymer, xiii. 714. 763. 771. 774.

the grant of a pardon for the escape from his custody as bishop, of John Tompson an attainted clergyman.[1]

Before his next advance in the Church, he rendered further service in various embassies,—soliciting the release of Francis I. when a prisoner after the battle of Pavia, accompanying Cardinal Wolsey in his ostentatious visit to that monarch in 1527, and concluding, with Sir Thomas More in 1529, the treaty of Cambray. On March 25, 1530, he received restitution of the temporalities of Durham, to which see he had been translated on the resignation of Cardinal Wolsey.[2]

In the changes which Henry VIII. subsequently introduced, Bishop Tunstall displayed some weakness and irresolution; and on the king's assumption of the title of supreme head of the English Church, he "hesitated, argued, and submitted." By thus temporising he preserved the personal favour of the king, who made him President of the North, and appointed him one of the executors of his will, with a legacy of 300*l.*[3]

Under the reign of Edward VI. when Protestantism was more strictly enforced, though in parliament he protested against the changes in religion, yet when they were adopted he obeyed the law.

He would have continued safe in his quiet retirement, but that Dudley the new Duke of Northumberland had a craving for his episcopal possessions. A false charge was accordingly concocted against him, on which a bill for his attainder was introduced into parliament; but though it passed the House of Lords, the Commons were not satisfied, and would not sanction it. The persecuted bishop was not allowed thus to escape. A commission was issued to the duke's own creatures, who deprived him of his bishoprick, and sent him to the Tower on August 14, 1552.

[1] Rymer, xiv. 1. 10.
[2] Le Neve, 131. 179. 264. 347.
[3] Testam. Vetust. 41.

Mary, immediately on her accession, released him from prison, and restored him to his see. He assisted at her coronation and at her marriage[1], but kept aloof from the cruel persecutions that disgraced her reign. Though named in several commissions, he devoted himself to his pastoral duties; and by his lenity and toleration, his diocese enjoyed an uninterrupted peace, in happy contrast with the rest of the kingdom. He discouraged too severe an investigation into men's opinions, saying to his chancellor, when desirous of examining a preacher supposed to entertain heretical opinions, "Hitherto we have had a good report among our neighbours: I pray you bring not this man's blood upon my head."

When Elizabeth, whose godfather he had been, ascended the throne, he was near eighty-four years old, — an age not likely to give up pre-conceived opinions, nor to be swayed by worldly considerations. The queen, influenced by the moderation he had exhibited, regarded him at first with favour, and employed him in the consecration of several bishops, but at length, on his persisting in his refusal to take the oath of supremacy, she was compelled after a year's trial to deprive him. Instead, however, of sending the aged man to prison, she committed him in July, 1559, to the custody of Archbishop Parker, in whom he found a kind and considerate host for the few remaining months of his life. He survived till November 18, and was buried in the chancel of Lambeth church, at the expense of the archbishop.

In addition to his professional works, he published a treatise on arithmetic, "De Arte Supputandi," in 1522, the year of his elevation to the episcopal bench.[2]

[1] Q. Jane and Q. Mary (Camden Soc.), 31. 142.

[2] Godwin, de Presul.; Surtees; British Biog.

WALSHE, THOMAS.

B. E. 1533.

THOMAS WALSHE, like many of the other barons, began his career as an officer in the Exchequer. He was made treasurer's remembrancer in April, 1523, and was promoted to a seat on the bench of that court as fourth baron on April 27, 1536.[1] It appears by an order of the Privy Council in June, 1541, that he was then engaged as a commissioner in Ireland on some of the king's business, and that he was directed to return to England to make his report.[2] He continued baron another year, when his place was filled on August 6, 1542, by Lewis Fortescue.

His daughter Catherine married Richard Andrews, Esq., of Freefolk, Hants[3]; and one of his descendants in 1684 occupied Abberley Lodge, Worcester.[4]

WARHAM, WILLIAM, PRECENTOR OF WELLS, ARCHDEACON OF HUNTINGDON, BISHOP OF LONDON, ARCHBISHOP OF CANTERBURY.

LORD CHANCELLOR, 1509.

See under the Reign of Henry VII.

ARCHBISHOP WILLIAM WARHAM was born at Walsanger in the parish of Okely in Hampshire, the residence of his father Robert Warham, whose family had been long seated there. His education was commenced at William of Wykeham's school at Winchester, and continued at New College in the university of Oxford, of which he became fellow in 1475. He took the degree of doctor in both laws, and left his academical retirement to enter into a more active career in 1488, having previously been admitted into holy

[1] Rot. Pat. 28 Hen. VIII., p. 2., not 26 Hen. VIII., as Dugdale has it.
[2] Acts Privy Council, vii. 201.
[3] Gent. Mag. lix. 621.
[4] Grandeur of the Law (1684), 247.

orders and received from his college the living of Horewood Magna, in the diocese of Lincoln.

Entering as an advocate in the Court of Arches, he distinguished himself in such a manner as to be selected by Henry VII. in July, 1493, to go on an embassy with Sir Edward Poynings to the court of Archduke Philip [1], the real object of the mission being to obtain the surrender of Perkin Warbeck, who had taken refuge in Flanders. Although they failed in their negotiation, it is evident that the king was not dissatisfied with Warham's conduct, since he was advanced on the 13th of the following February to the mastership of the Rolls,—an office which he held for eight years. During this period, he was frequently engaged in diplomatic services [2], and in his clerical character was instituted to the living of Barley in Hertfordshire in 1495, and preferred, on April 28 in the next year, from the Precentorship of Wells, to which he had been appointed on November 2, 1493, to the Archdeaconry of Huntingdon.

On the translation of Bishop Savage to the Archbishoprick of York, Warham was elected his successor in the see of London in October, 1501; but he did not receive the temporalities till the same month in 1502.[3] In the meantime he resigned the office of master of the Rolls on February 1 of the latter year; and on August 11 he was invested with that of keeper of the Great Seal in the place of Archbishop Dene. On the death of that prelate, which speedily followed, Warham was raised to the primacy in November, 1503; but the temporalities were not restored to him till January 24, 1504.[4] Three days before this, the king changed his title of keeper of the Great Seal for the more dignified one of lord chancellor of England [5], which he retained during the

[1] Rymer, xii. 544.
[2] Ibid. xii. 655. 668, xiii. 13. 27.
[3] Ibid. xiii. 21.
[4] Ibid. xiii. 90.
[5] Rot. Claus. 17 Hen. VII., n. 47.

rest of the reign, taking a prominent part in the administration of the kingdom.

Still keeping up his connection with the university, he had for some time filled the place of principal of the civil law school in the parish of St. Edward in Oxford. This he probably continued to hold till his last advance; for it appears that the vice chancellor, "with the bedels before him, and a multitude of schollars following him," did honour to his inthronization as Archbishop of Canterbury, performed on March 9, 1504, with a solemnity and magnificence which seem to have delighted those who witnessed the ceremony. Among other things they recount that "all his honours and offices were drawne, depicted or delineated, after a strange manner, in gilded marchpaine upon the banqueting dishes;" and the laudatory verses composed in his honour, making the king reply in regular hexameters and pentameters, are duly recorded.[1] In 1506 the archbishop was elected chancellor of the university; and his presidency only terminated with his life[2]—a period of twenty-six years, during which he showed his love for his alma mater by many benefactions, particularly in finishing St. Mary's church and the divinity schools; and he was regarded in return with a feeling approaching to veneration.

Standing high as Warham did in the favour of the father, he was naturally retained in his elevated post of chancellor when Henry VIII. succeeded to the throne; but it was not long ere he lost the ascendancy which he had hitherto possessed in the royal councils. Wolsey, with no higher office than that of almoner, was gradually acquiring an influence over the king's mind, which enabled him at length to attain the highest position in the state; and Henry, not well pleased perhaps with the early scruples which the archbishop had raised against his proposed marriage with Catherine of

[1] Weever, 232.

[2] Fasti Oxon. iv. 16. 90.

Arragon, was probably aware that, though in his character of primate he performed the ceremony, he did not heartily approve it. He continued, however, to hold the Great Seal for the first six years and a half of the reign, although his palpably decreasing power and the purposed indignities offered to him by the new favourite, especially since the acquisition of the Archbishoprick of York and the cardinalship, had several times induced him to tender his resignation. Having been obliged to remonstrate with Wolsey for causing his cross to be carried before him in the province of Canterbury, contrary to established practice, the wily cardinal seemingly submitted, but forthwith took steps to obtain from the pope the appointment of legate *à latere*, which would give him a better claim to the disputed right. This at once decided Warham, who two months after, on December 22, 1515, retired from his office of chancellor, which was immediately given to his rival.[1] The pride and insolence of the cardinal were exhibited against the archbishop on many subsequent occasions, and he even went so far as to take offence at his subscribing himself "your Brother of Canterbury." Warham bore these insults with calmness while they affected himself alone, although during Wolsey's power his ecclesiastical dignity was reduced to a mere shadow; but when his clergy were interfered with and his archiepiscopal authority invaded, by the erection of a legantine court and the arbitrary judgments pronounced there, Warham made a representation to the king, who, declaring his ignorance, charged him to convey to the cardinal the royal pleasure that these things should be amended. However annoying such a command must have been when delivered by such a messenger, it was followed by a still more bitter reprimand from the king himself, which compelled the ambitious priest to exercise greater caution.

[1] Rot. Claus. 7 Hen. VIII., m. 1.

On Wolsey's disgrace in 1529, some writers say that Warham declined the offer of his former office of lord chancellor, while others assert that the king had determined that no churchman should hold the Great Seal. Indeed the archbishop must have been then too old to desire such an addition to his responsibilities in times so dangerous. Attached as he was to the ancient system, and a supporter of the papal authority, he must have looked with an anxious eye on the king's proceedings; and it may be readily conceived how grating it must have been to his feelings when he was compelled in convocation to pass a grant with a preamble acknowledging the king "to be the protector and, under God, the only supreme head of the Church and clergy of England." His subsequent private protest against any statute that derogated from the authority of the pope shows how fortunate it was for him that the king's supremacy was not recognised by parliament till after his death. That event occurred on August 23, 1532, at St. Stephen's near Canterbury, in the house of his relative Archdeacon Warham. His remains were deposited in a chapel built by himself near the Martyrdom in his cathedral.

His liberality during his life was evidenced by his poverty at his death, when, though he had filled the profitable office of chancellor for thirteen years, and had enjoyed the primacy for twenty-eight, he left barely sufficient to satisfy his creditors. On the approach of his decease he is said to have asked his steward how much money remained in his hands, and, on being told that he had but thirty pounds, to have cheerfully answered, "that was enough to last till he got to heaven."

His zeal for the Church made him too great a persecutor of those who differed from him to leave his character quite free from blame. To the same cause is to be attributed his unavailing prohibition of Tyndal's Bible; and his tendency

to superstition may be seen in his too easy credence in the pretended miracles of Elizabeth Barton, the Holy Maid of Kent. But notwithstanding these drawbacks, it is impossible not to admire a man who in other respects passed through his public career with so much credit, and who, as an ecclesiastic, has so many claims on our respect.

The principal descriptions of the private life of the archbishop are derived from Erasmus, of whom he was one of the earliest English patrons, contributing towards his expenses when he came to England in 1509, and supporting him wholly here in the following year. In 1511 Erasmus thus speaks of him: —

"Whilst very many others treat me with marked kindness, so chiefly does that my especial Mæcenas the Archbishop of Canterbury, — or rather, not mine only, but the patron of all the learned, among whom I take the lowest place, if any at all. Almighty God! how felicitous, how copious, how ready is the genius of that man! what skill in conducting the most important business! how extraordinary his learning! But then what unheard of courtesy to every one! what pleasantness of address! so that, in a manner truly royal, he dismissed no one from him depressed. Moreover, how great and what ready liberality! Lastly, in such an eminence of fortune and dignity, what an absence of pride! so that he alone appears to be unaware of his greatness. In protecting his friends no one is more faithful or more constant. In fine, he is a true primate, not only in rank, but in every kind of merit." (*Epist.* 138.)

This might be the language of gratitude; but after the archbishop's death, when he cannot be suspected of flattery, Erasmus enters with more detail into his character: —

"Here I am reminded," he says, "of a man worthy of the memory of all posterity, William Warham, Archbishop of Canterbury, primate of all England; not only by that title,

but in reality a theologian. . . . This office [of chancellor] he filled with such skill for many years, that you would have said he was born for that very business, and held no other charge. But at the same time he was so vigilant and attentive in matters relating to religion and his eclesiastical functions, that you would say he was engaged in no external concerns. He found time sufficient to discharge religiously the solemn duty of prayer, to perform mass almost daily, to be present besides at two or three services, to hear causes, to receive embassies; to advise the king, if anything of importance had arisen in court; to visit his churches, whenever his presence was required; to receive his guests, often amounting to 200; and lastly his leisure was given to reading. For occupations so various, he found one life sufficient, no part of which he bestowed on hunting, none on dice, none on empty tales, none on luxury or pleasures. In the place of all these amusements he had either some agreeable reading, or conversation with a learned man. Although he sometimes had bishops, dukes, and earls as his guests, yet dinner was always finished within the space of one hour. In the midst of a sumptuous table, as his dignity demands, it is incredible to say how he abstained from all delicacies. He rarely tasted wine, but generally when already a septuagenarian, used to drink very weak ale, which they there call beer, and even that very sparingly. Moreover, when he had taken the smallest quantity of food, yet with the kindness of his looks, and the cheerfulness of his discourse, he enlivened the whole table. You perceived the same gravity either before or after dinner. He abstained entirely from suppers, or if some of his intimate friends, of which number we were, happened to be with him, he sat down, but scarcely touched the viands; but if no such company were there, he spent the time of supper either in prayer or reading. And as he abounded himself in very

happy pleasanteries, so he was pleased with the more free jests of his friends; yet he shrunk as much from scurrility or detraction as any would do from a serpent. Thus this excellent man made those days abundantly long, of the shortness of which so many complain." (*Ecclesiastes.*)

He laid out a large sum on the palace at Otford, and built another at Knole. His theological books he bequeathed to All Souls' College, those on civil and canon law to New College, and his books on church music to Winchester College.[1]

WELLS, PRECENTOR OF. *See* W. WARHAM.

WESTBY, BARTHOLOMEW.

B. E. 1509.

See under the Reign of Henry VII.

THE usual deficiency of information relative to the barons of the Exchequer prevails with regard to the family of Bartholomew Westby. It is known, however, that he was a member of the Middle Temple; for the complimentary address to the three members of that house who were called serjeants in 19 Henry VII. was delivered by him. Three years before, on May 12, 1501, he had been raised to the bench of the Exchequer as second baron; and he received a new patent on the accession of Henry VIII. In the third year of that reign he and Sir Robert Southwell were appointed general surveyors and approvers of the king's manors, &c. No new second baron being named till the thirteenth year, 1521, his enjoyment of the office may be presumed to have continued till that period, and that he did not vacate it on the occasion of his being made on May 5, 1514, one of the

[1] Wood's Athen. ii. 738.; Godwin, de Præsul. 133. 190.; Le Neve, 8. 38. 159. 179.; Rapin; Lingard; Chalmers's Biog. Dict.; J. G. Nicholls's Translation of Erasmus's Pilgrimage to Walsingham and Canterbury, 157.

poor knights of Windsor. This seems a somewhat curious provision for an Exchequer baron; but the institution, though especially devoted by Edward III. to the support of military knights reduced to poverty, had been gradually perverted to other objects, and used as a means of rewarding the servants of the crown.[1]

WILLOUGHBY, THOMAS.

Just. C. P. 1537.

Thomas Willoughby was the fourth son of Sir Christopher Willoughby, whose grandfather was the second son of William the fifth Baron Willoughby de Eresby, and whose eldest son, William, the judge's brother, succeeded to that title in 1508, as seventh baron, on failure of the senior branch. Thomas, as was common with younger brothers, was destined to the law; and preparing himself for his forensic career in Lincoln's Inn (of which he was admitted a member on July 16, 1502), he was nominated reader in autumn, 1517; but not reading at that time, probably on account of a pestilence, he was re-appointed for the following Lent. In 1521 he became a serjeant at law, and nine years afterwards in 1530 was constituted king's serjeant. While holding that dignity he and John Baldwin were made knights in 1534, being the first serjeants who had ever accepted that distinction.

He was raised to the bench as a judge of the Common Pleas on October 9, 1537; and after sitting in that court about eight years, he died on September 29, 1545, and lies buried in the church of Chidingstone, Kent.

By his marriage with Bridget or, as some call her, Catherine, daughter and co-heir of Chief Justice Sir Robert Read, he acquired the estate of Bore Place in Chidingstone,

[1] Dugdale's Orig. 113.; Chron. Ser.; Stat. of the Realm, iii. 45.; Ashmole's Order of the Garter, 95.

which devolved on his son Robert, whose descendant Francis was made a baronet in 1677, and his successor, Thomas, was in 1712 created Lord Middleton of Middleton in the county of Warwick, a title which still survives in the eighth representative.

The title of Lord Willoughby of Parham was granted to the judge's nephew William, the son of his brother Christopher, and became extinct in 1779.[1]

WINCHESTER, BISHOP OF. *See* T. WOLSEY.

WOLSEY, THOMAS, PRECENTOR OF ST. PAUL'S; DEAN OF LINCOLN, HEREFORD and YORK; BISHOP OF LINCOLN; ARCHBISHOP OF YORK; BISHOP (IN COMMENDAM) OF BATH AND WELLS, DURHAM AND WINCHESTER; CARDINAL.

LORD CHANCELLOR, 1515.

THE events of no man's life have been so frequently recorded as those of Cardinal Wolsey. No history of this country, nor indeed of any other European state during the period in which he flourished, can avoid the introduction of his name, or omit the scenes in which he acted; and numerous have been the separate biographies which have described his career. The picturesque memoirs by his faithful gentleman usher George Cavendish, ably illustrated as they have been by Dr. Wordsworth and Mr. Singer; the pithy "Observations" of David Lloyd in his "State Worthies;" the fearful folio of Dr. Fiddes, rendered valuable by his "Collections" of original documents; the earliest literary effort of John Galt; the various articles in biographical dictionaries; the interesting summary by Anthony Wood; the able "Life" in the Library of Useful Knowledge; and, lastly, the elegant

[1] Dugdale's Orig. 47. 137. 251.; Chron. Series; Collins's Peerage, vi. 611., vii. 215.; Nicolas's Synopsis. Several genealogists erroneously call him *Chief Justice* of the Common Pleas.

and excellent contribution to Lardner's Cabinet Cyclopædia (closely followed by Lord Campbell), render it almost a work of supererogation to repeat the oft-told tale. The following slight sketch is formed principally from the materials which these authors have supplied.

Thomas Wolsey was born at Ipswich, in Suffolk, in March, 1471. The christian names of his parents were Robert and Joan; and their surname was Wuley,—at least so it is spelled in the father's will, and so did the cardinal himself spell it as late as August, 1508, if a bull of Pope Julius II. of that date, confirming a dispensation granted to him by Pope Alexander VI. in 1501, in both of which he is so called, may be taken as authority. Some error, however, may have crept into these documents, which is not unlikely in the writing of the day; and the letter e, by an easy mistake in reading or transcribing, may have been substituted for c. The name would thus be Wulcy, and would be nearer the appellation of Wolsey, which he afterwards adopted, and make a less remarkable change. Whichever was the original name, he altered it in 1509, when he became almoner to the king.[1]

Tradition states that his father was a butcher; and the popular voice and satirical song of the time make the tale probable. Some of his biographers have given no credit to the story; and the question is too immaterial to discuss. It may certainly be inferred from the absence of all mention, and apparently the careful concealment, of his employment, that if not a butcher, he followed some other obscure trade, of which his son in his pride did not delight to speak. His first biographer, George Cavendish, who had been his gentleman usher, describes him as "an honest poor man's son;" and the father, in his will, refrains from introducing any designation of his calling.

[1] Fiddes, Collections, p. 1.; Rymer, xii. 783., xiii. 217. 267.

This will was proved on the 11th of October, 1496, having been made eleven days previously. In it he gives to his son, who was then twenty-five years old, ten marks "if he be a priest" within a year after his death, as a salary for singing for him and his friends for the space of a year; "but if he be not a priest, then another honest priest" was to have the ten marks for the same service. He then devises all his lands, &c., in the parishes of St. Nicholas, in Ipswich, and in St. Stoke, to his wife; the extent and value of which may be fairly presumed not to be larger in amount than would be sufficient for her maintenance, as he makes no provision whatever for his son. Cavendish, therefore, is probably correct in stating that he was maintained "by means of his good friends" at the university of Oxford, to which he was sent at a very early age.

There, the first proof he gave of his capacity — as it was perhaps the first incentive to his ambition — was the attainment of the degree of bachelor of arts at the early age of fifteen; and in after times he used to pride himself in having been called the boy bachelor. Such an early proficiency soon placed him as a fellow of Magdalen College, and shortly afterwards raised him to the mastership of the grammar school attached to that foundation. He was bursar of the college in 1498, when the great tower was finished that goes by his name. There is an idle story of his having misapplied the college funds toward its erection; but it is supported by no authority.

He does not seem to have availed himself of the conditional legacy; for he was not admitted into orders till nearly four years after his father's death. In October, 1500, he was instituted to the living of Lymington in Somersetshire, on the presentation of the Marquis of Dorset, not only in grateful acknowledgment of his pains and success in the education of that nobleman's three sons, who had been put under his

charge at Magdalen School, but in admiration of the agreeable manners and conversational talent which he displayed when he accompanied his three noble pupils to their father's mansion in the previous Christmas. As if it were in anticipation of his future preferments, he immediately applied for and obtained a dispensation from the pope (that already referred to of 1501) for holding more benefices than one, and for non-residence on any. "The honesty of his life and manners and his other laudable merits of probity and virtue," which are assigned in the bull as motives for granting it, together with the presentation of the living itself, afford a sufficient refutation of the traditionary scandal about the misapplication of the college funds.

Wolsey is represented as a very handsome man at this time, though afterwards he had a blemish in his right eye, so disfiguring him that in his portraits he is always represented in profile. He was also rather more free and easy in his manners and habits than modern ideas of what a clergyman should be warrant. An event is stated to have occurred soon after he took up his residence at Lymington, which, though the particulars may be embellished, is undoubtedly true in the main. Though attended with unpleasant consequences at the moment, it was perhaps a fortunate incident for him, as it taught him to be more circumspect in his public conduct for the future. It is said that going with some boon companions to a fair in the vicinity, he got into a drunken row, and that thereupon Sir Amyas Paulet, a neighbouring justice, to whom probably he had not paid sufficient deference, set him in the stocks. This was an insult to his position as a priest, which it must be allowed no pretence could justify; but it would have been more dignified in him to forget it, when he had overcome the disgrace, and filled the high post of lord chancellor. Instead of doing so, he sent for the inconsiderate knight, and, after giving him a

sharp reprimand, dismissed him from his presence with an injunction not to leave London without license. In no very enviable state of suspense, he remained in the Middle Temple for four or five years, till at last, thinking that the best mode of appeasing the cardinal's displeasure was to flatter his vanity, he rebuilt the gate-house there, and embellished it with Wolsey's arms and ecclesiastical badges, — an offering which had the desired effect. The disgrace inflicted on Wolsey of course obliged him to retire from his parish; but he did not resign the preferment till 1509.[1]

In the interval between this retirement and his resignation, he became chaplain to Henry Dene, Archbishop of Canterbury, when he was for a short time lord keeper of the Great Seal; and subsequently, on the archbishop's death in February, 1503, he proceeded to Calais as chaplain to Sir John Nanphant, the treasurer there. Sir John was a man stricken with age, and was glad to avail himself of the assistance of his chaplain in performing the duties attached to his place; and it is not unlikely that Wolsey by his assiduity in these transactions acquired his first insight into state affairs. By the interest of Sir John, who was soon after compelled by his infirmities to return to England, he obtained the appointment of one of the king's chaplains — his first step on the ladder of preferment. In this capacity he succeeded in ingratiating himself with Bishop Fox and Sir Thomas Lovel, — the former holding the office of Lord Privy Seal, and the latter being treasurer of the household. His tact and cleverness, joined to his courtly manners and a commanding address, induced them to recommend him to Henry VII. to be employed on a delicate mission which that king was desirous of sending to the Emperor Maximilian in Flanders, with reference to his projected marriage with Margaret, Duchess of Savoy, the emperor's daughter. The king, in a

[1] Fasti Oxon. i. 28.

personal interview with Wolsey, having satisfied himself of the singular capacity of the new diplomatist, at once gave him his instructions; and so extraordinary was the expedition Wolsey used on the occasion, that he presented himself at the English court four days afterwards. The king, on seeing him, angrily rebuked him for delaying his departure so long; great therefore was his Majesty's surprise when Wolsey delivered to him the emperor's letters in reply; and soon was added the royal admiration of his envoy's acuteness in supplying a defect in his credentials which had not been discovered till after he was gone.

Such energy and address was certain to meet with its reward; and luckily the Deanery of Lincoln soon becoming vacant, the grateful king was enabled to present it to his active servant on February 2, 1509[1], about two months before his reign was terminated by his death. To this dignity two prebends in the same church were afterwards added, he having been previously instituted to the rectory of Redgrave in Suffolk, and the living of Lyde in Kent.

On the accession of Henry VIII., Wolsey had completed his thirty-eighth year. The recent activity he had displayed was not likely to be overlooked; and his clerical position giving him ready access at the court, he soon recommended himself to his new sovereign by his wit and gaiety, which he managed so to temper with discretion as not to outrage his ecclesiastical character, nor yet to conceal those more solid qualities which he must have been conscious of possessing. Henry was not long in availing himself of his services, appointing him one of his council, and on November 8, 1509, granting him the office of almoner.[2] Thus placed in intimate communication with the king, he gradually relieved

[1] Le Neve, (p. 146) says February, 1508; but Dean Simeon did not die till August, 1508.

[2] Rymer, xiii. 267.

the youthful monarch of most of his political labours; and thus, an acknowledged favourite, he not only received the usual royal compensations for his assiduity, but, according to Cavendish, "presents, gifts, and rewards came in so plentifully that he lacked nothing that might either please his fantasy or enrich his coffers."

Professional preferment naturally followed. First the rectory of Torrington in Devonshire was given to him, and then a canonry of Windsor; he was next made registrar of the order of the Garter, and Dean of Hereford; and on resigning the latter, he received in February, 1513, the Deanery of York, holding each with his former preferment as Dean of Lincoln; in addition to which he was collated in the following July to the Precentorship of St. Paul's.

When king Henry undertook the expedition against France in June, 1513, Wolsey not only accompanied him, but had the sole direction of the supplies and provision for the royal army. He was present at the taking of Terouenne and Tournay; and was rewarded with the bishoprick of the latter. He derived, however, very little profit from this piece of preferment, a French competitor, who had been previously elected, intercepting the revenues. But he was soon compensated by an English see, being raised in the following February to the episcopal bench as Bishop of Lincoln, of which he had the restitution of the temporalities on the 4th of the following March.[1] He rapidly rose to the highest position he held in the Church, for within six months he was translated to the Archbishoprick of York on the death of Christopher Bainbridge[2], and on September 7 in the following year he received the cardinal's hat from Pope Leo X., with the title of St. Cecilia[3], which

[1] Rymer, xiii. 394.
[2] Le Neve, 114. 141. 146. 200. 310. 315.
[3] Godwin, de Præsul. 707.

was quickly succeeded by a commission from the pontiff as legate *à latere.*

Although the only ostensible office in the king's court hitherto held by Wolsey was that of the royal almoner, he had for some time been the principal adviser and mover in all affairs of state. That he was considered as having the greatest influence with his royal master is evidenced by the flatteries he received from foreign princes, and the applications for his intercession from eminent personages who sought the king's favour. The dignities granted to him by the Roman Pontiff were manifestly prompted by the wish to conciliate king Henry; the confidential letters he received from Queen Catherine herself so early as 1513[1], and his correspondence with the king's sister, the Princess Mary, in reference to her two marriages with King Louis XII. of France, and Charles Brandon, Duke of Suffolk, show how highly his assistance was estimated; and the annuity of 10,000 ducats granted to him by the Duke of Milan, incontestably exhibits the ascendancy which was attributed to him. That his influence was not over-rated may be judged from the quick succession of ecclesiastical preferments that were heaped upon him, and more particularly by the familiar and confidential style of the letters addressed to him by the king.[2] In July, 1515, the Venetian ambassador says of him, "He really seems to have the management of the whole of this kingdom," and in the next year calls him "ipse rex," and "rex et autor omnium."[3]

That such a rapid advance in the short period of ten years from the comparatively humble position of a court chaplain to the elevated ranks of cardinal and legate in the Church, and chief minister of the kingdom, should have made an ordinary man "inebriated with prosperity," as Archbishop

[1] Ellis's Letters, 1st Series, i. 78—89. [2] Fiddes's Coll. 14, 15, c.
[3] Four Years at the Court of Hen. VIII., 110, 155, 160.

Warham described him, would cause no wonder; but that it should produce such an effect upon a person possessing the superior endowments and firmness of character that distinguished Wolsey, may well excite surprise. And yet it is manifest from his whole history that not merely the charge of vanity, but also that of an insatiable appetite for the accumulation of riches had some foundation. Of the latter we have proof in his holding two deaneries and various prebends and livings at the same time; in the rewards, which would now be called bribes, acknowledged by his friendly biographer to have been taken by him in his office; and in the pension which he accepted from a foreign power. Of the former there are too many childish examples,—in the state he observed in his household, in his assumption of the cross of York within the prohibited province of Canterbury, and in the anxiety he evinced to give a greater degree of consequence to the mission sent by the pope with the cardinal's hat, by staying the journey of the messengers till he could procure a retinue which he considered more suitable to his high estate.

Wolsey was not yet satisfied. There was still another dignity to which he aspired. The lord chancellor had for a long series of years, previous to the present reign, been looked up to as the head of the council, and as the prime minister. Wolsey accordingly thought his power would be incomplete without the possession of the great seal. Archbishop Warham had held it for thirteen years; and, though Wolsey had for some time deprived him of the real power of the chancellorship, there can be no doubt that his great aim was to supersede the modest primate in the title also. The indignities with which he treated the archbishop have so much the appearance of an attempt to enforce his resignation, that Wolsey's resistance, when the resignation at last took place, can only be regarded as a mere pretence.

The entry on the Rolls, of Wolsey's appointment as lord chancellor, which is dated on December 22, 1515[1], affords an instance of his fondness for vain display, and of his desire to depreciate others. Instead of the simple manner in which former transfers of the Great Seal were generally made, he has caused all his titles to be written at length, even that of "Primate of England," while Archbishop Warham is described in the same instrument in the most curt manner, and is docked of his title of "Primate of all England." The same ostentation is visible in all the numerous documents which are contained in Rymer's "Fœdera." Even, to gratify this love of show, the simple bag in which the Great Seal was deposited, which for centuries before had been composed of linen or of leather, and which, when delivered to him, was "a bag of white leather," was transformed to a magnificent purse, something like that which is now carried before the chancellor, being described as "a bag or purse of crimson velvet, ornamented with the arms and emblems of England." The present practice also of bearing a silver gilt mace before the chancellor is supposed to have originated with him.

The following description given by Cavendish, of his daily processions to Westminster Hall, besides showing the studied formality of his household, affords another specimen of his love of ostentatious display.

"First, ere he came out of his privy chamber, he heard most commonly every day two masses in his closet: and as I heard one of his chaplains saye, which was a man of credence and excellent learning, the Cardinal, what business or weighty matters soever he had in the day time, he never went to bed with any parte of his divine service unsaide, not

[1] Rot. Claus. 7 Hen. VIII. m. 1. It is curious that in this entry he is called cardinal by the title "Sancti Ciriace," which arises probably from his not having then received the pope's confirmatory grant, giving him the title of St. Cecilia.

so much as one collect, wherein I doubt not but he deceived the opinion of diverse persons. Then going againe to his privy chamber, he would demaund to some of his saide chamber, if his servauntes were in a readiness, and had furnished his chamber of presence and waiting chamber. He being thereof then advertised, came out of his privy chamber about eight of the clocke apparelled all in red; that is to say, his upper garment was all either of scarlet or taffety, but most commonly of fine crimson satten engrained; his pillion of fine scarlet, with a neck set in the inner side with blacke velvet, and a tippet of sables about his neck; holding in his hande an orange, whereof the meat or substance within was taken out and filled up againe with the parte of a spunge, wherein was vinegar and other confections against the pestilent aires, the which he most commonly held to his nose, when he came among the presse, or else that he was pestered with any suitors. And before him was borne first the broade seale of Englande, and his cardinall's hat, by some lord, or some gentleman of worship right solemnly. And as soon as he was entered into his chamber of presence, where there was daily attending upon him, as well noblemen of this realme and other worthy gentlemen, as gentlemen of his owne family; his two great crosses were there attending to be borne before him: then cried the gentlemen ushers, going before him bare-headed, and said, 'On before, my lords and masters, on before; and make way for my lord cardinall.' Thus went he downe through the hall, with a serjeaunt of arms before him, bearing a great mace of silver, and two gentlemen carrying of two great pillars of silver; and when he came to the hall-doore, then his mule stood trapped all in crimson velvet with a saddle of the same and gilt stirrups. Then was there attending him, when he was mounted, his two crosse-bearers, and his pillar-bearers in like case upon great horses trapped all in fine scarlett. Then marched he forwarde

with a traine of noblemen and gentlemen, having his footmen fower in number about him, bearing each of them a poll-axe in their handes; and thus passed he forthe untill he came to Westminster-Hall doore. And then he alighted, and went after this manner up into the chauncery, or into the star-chamber; howbeit, most commonly he would goe into the chauncery, and stay a while at a barre made for him beneath the chauncery on the right hand, and there common sometimes with the judges, and sometimes with other persons. And that done he would repaire into the chauncery, sitting there till an eleven of the clocke, hearing of suites, and determining of other matters. And from thence he would diverse times goe into the star-chamber, as occasion would serve. There he spared neither highe nor lowe, but judged every estate according to his merits and deserts."[1]

For the manner in which he exercised the jurisdiction of the chancery during the fourteen years he presided in it, his reputation stands high. Notwithstanding the perpetual and varied demands on his time, and the importance of his political duties, his attendance on the court was regular and punctual; and whatever opinion may be formed by different writers of his character as a statesman, his decrees as chancellor are acknowledged to have been equitable and just.

Holinshed says (vol. iii. p. 615.) that, being tired of hearing so many causes himself, Wolsey, by the king's commission, erected four "under-courts to hear complaints;" and Lord Campbell, in his recent work, has at once designated these as "four new courts of equity." For this there exists no authority whatever. The only other court in which causes in Chancery were heard, was that of the master

[1] Cavendish, in Wordsworth, i. 486. Though we do not find that the orange stuffed with confections was used by any other chancellor, we are told that it was the fashion of Lord Chancellor Ellesmere, in King James's time, "to carry a posy of wormwood;" and, until very lately, a handsome nosegay was supplied every morning to his successors, probably for the same purpose.

of the Rolls, and that was by no means newly introduced by Wolsey; the ancient records proving that bills in Chancery were addressed to, and suits heard by, the master of the Rolls separately, as now, so early as the reign of Henry VI. The only proof of Wolsey requiring assistance in the court of Equity, is a commission from the king, issued shortly before the close of his career—only four months, in fact, previous to his removal,—when the perplexities of the divorce case, the trial of which was then proceeding, were added to his other anxieties. This patent was dated on June 11, 1529, and it authorized the master of the Rolls, three of the judges, six of the masters in Chancery, and ten other persons, to hear all causes in Chancery, not less than four being present, of whom two were to be of the first named ten.[1]

The other courts referred to by Holinshed, were probably the Star Chamber, in which he usually presided; the legantine courts, which he held under the pope's authority, and other minor courts connected with the various offices he held.

The powers granted him by the pontiff were most extensive, and the manner in which he used them was the subject of universal complaint. Had he confined himself to the enforcement of a more strict discipline and morality among the clergy—which at that time was sufficiently lax,—he might have expected and despised the enmity of those whose actions were subjected to his censure; but he is charged with employing under him a judge of bad character, who took bribes to stifle exposure; with arrogating an authority in reference to wills and administrations which was beyond his commission; and what was far worse in the estimation of the bishops and nobles, with encroaching on their general patronage. When these arbitrary proceedings came to the king's ear, Archbishop Warham was ordered to admonish him—an

[1] Rymer, xiv. 299.

infliction we may suppose not very grateful to the proud cardinal,—and the king himself afterwards found it necessary to administer a rebuke.

The account given of him by Sebastian Giustinian, ambassador from the Seigniory of Venice from 1515 to 1519, describes him as subject to violent fits of bad temper. He would sometimes keep the ambassador waiting for an audience for three hours, though he admitted others. Nor was this indignity peculiar to the representative of a powerful state, for such Venice then was; even the pope's nuncio did not escape. Giustinian thus relates the incident: —

"Your highness will now learn that a few days ago, the nuncio (Chieregato) was sent for by the right reverend cardinal, who, when he reached his presence, took him into a private chamber, where he laid hands on him, telling him, in fierce and rude language, that he chose to know what he had written to the king of France, and what intercourse he held with me, as either he was frequently here (at the Venetian embassy), or my son, or the secretary, at his residence, and that he should not quit the spot until he had confessed everything; and unless he told by fair means, he would put him on the rack. On this, high words were exchanged by either party; the nuncio denying the charges brought against him, but admitting our intimacy, as induced by friendship and a community of literary pursuits. Concerning the king of France, he mentioned what he had written to him, and the reply received, which did not bear upon the present matters; so the cardinal sent to his house, to seize all his papers and ciphers, but found nothing objectionable; wherefore, at the intercession of the Bishop of Winchester, he was released."

The ambassador may well call this "a summary proceeding." When irritated, he would keep gnawing with his teeth on a little cane which it was his custom to carry in his hand;

and the ambassador declares himself unable to convey an idea of his rabid and insolent language during these paroxysms, but he adds that he sometimes had the good sense to retire to his bed when these mad fits of rage came upon him, and not to see any one.[1]

Notwithstanding these failings, which were of course kept out of the royal sight, the favour with which Wolsey had been regarded by the king before he became chancellor, continued to increase after he was possessed of the Great Seal. The most unbounded reliance was placed on his judgment, and no transaction in the state of the slightest importance was decided without his advice and concurrence. The multitudinous series of documents in the thirteenth and fourteenth volumes of Rymer's "Fœdera," give some idea of the variety and extent of his labours, and plainly prove the consideration in which he was held, not only in this country, but by all the foreign potentates of the age. The estimation of the importance of his services was not merely expressed in letters of complimental flattery, which were numerous and fulsome, but in the more substantial form of pensions from the different contending powers in Europe; from the pope, from Castile, from the emperor, and from France.[2] So large a space did he fill, so great an influence did he exercise in all the events of the time, that a detail of the political occurrences of his life would comprehend the history of the civilized world during the period of his unbounded power. For his successive negotiations with the emperor of Germany and the King of France, and the motives that dictated his changeable policy with regard to those two great antagonists, —for the splendour of his embassies to both powers, and the extraordinary consideration with which he was treated by each,—for a description of the Field of the Cloth of Gold,

[1] Four Years at the Court of Hen. VIII., ii. 17. 117.

[2] Rymer, xiii. 591. 610. 714. 725. 769. 770., xiv. 100.

arranged under his sole direction, and of the alternate meetings of King Henry with these princes,—and for the varied transactions with the minor governments of Europe, reference must be made to those historical works where they have been gracefully and philosophically treated.

The income of Wolsey must have been enormous in amount, and is said to have even exceeded the royal revenue. Besides the proceeds of the archbishoprick, of the Chancery, and of the legantine commission, the various pensions he received from foreign crowns, and the profits derived from numerous grants of lands and offices, he secured to himself the abbacy of St. Alban's, and was allowed to hold the bishoprick of Bath and Wells *in commendam* in 1518. This he afterwards resigned for that of Durham in 1522, which in 1529 he again changed for the still more valuable see of Winchester. His expenditure was on a proportionate scale. The Venetian ambassador says, "He always has a sideboard of plate worth 25,000 ducats, wherever he may be; and his silver is estimated at 150,000 ducats. In his own chamber there is always a cupboard with vessels to the amount of 30,000 ducats; this being customary with the English nobility." Cavendish delights in detailing the state and magnificence of his household, the number and rank of his attendants, the sumptuousness of his banquets, and the glories of his masques. Nobles were proud, or professed to be proud, to wait on him, and their sons were sent to be educated in his palace. Such universal homage made him forget his original littleness, and prompted him to yet higher aspirations. The popedom was the object at which he now aimed; and twice did it seem within his grasp, supported as he was by the hearty wishes of his own sovereign, and by the apparently as hearty promises of the emperor. But on both occasions was he doomed to disappointment,—in 1522 by the election of Adrian VI., and two years afterwards by that of

Clement VII. According to the report of the Venetian ambassador four years before, one would have supposed that he might well have been satisfied with his actual position; for he is described as "in very great repute, seven times more so than if he were pope," and as ruling both the king and the kingdom. He relates that on his first arrival the cardinal used to say to him, "His majesty will do so and so;" that subsequently by degrees he went forgetting himself, and commenced saying, "We shall do so and so;" but at last he reached such a pitch that he says, "I shall do so and so."[1]

In the deference paid to one thus invested with almost absolute authority, it is difficult to distinguish between flattery and truth. It is impossible, however, not to see that the respect shown to Wolsey by both the universities, in submitting their statutes to his correction and amendment, was dictated as much by a sincere appreciation of his wisdom as by a consideration of his power; and, besides other evidences before adverted to, the ascendancy he acquired over such a man as Henry VIII., enabling him to resist so long the machinations of those who were disgusted with his pride and jealous of his greatness, could not have been attained without the possession of mental powers and personal qualities which would warrant the expression of unsuspected admiration. That he was too fond of adulation was one of his foibles; and that he was jealous of any attempt to turn him into ridicule, or to derogate from his high reputation, was a natural consequence. This feeling he exhibited by imprisoning Serjeant Roo, the author of a masque performed by the students of Gray's Inn, in the allegory of which he discovered, and not perhaps without some cause, an attack upon himself and his government. His anger does not seem to have been long in appeasing; and the

[1] Four Years at the Court of Hen. VIII., ii. 314.

punishments he inflicted on other occasions were in no instance accompanied by personal cruelty. The only charge to the contrary is the trial and death of the Duke of Buckingham; but, in the total absence during the cardinal's ministry of any other evidence of a sanguinary disposition, that execution may, with greater justice and probability, be attributed to the jealous suspicions of the king, and the imprudent bearing of the duke.

He preserved the reputation of a scholar which he had attained in the commencement of his career. He encouraged learning and learned men. He was long the correspondent of Erasmus; and in the university where he was educated he established and endowed various lectures, and otherwise promoted classical studies, which were peculiarly obnoxious to the bigotry of the times. As a more lasting record of his fame, he founded two colleges, one at Oxford and the other at Ipswich—the latter being a sort of nursery to the other,—thereby imitating the two similar establishments, by William of Wykeham, of New College and Winchester. To the college at Oxford, for the erection of which several priories and smaller houses were dissolved, was given the name of "Cardinal College," which, on Wolsey's fall, the king, to deprive him of the merit of the establishment, refounded under the name of King's College. A few years afterwards, however, when the episcopal see was translated to Oxford, its name was again changed to its present designation, Christ Church; Ipswich fell with its founder.

The fall of Wolsey was as sudden as his elevation. The efforts of his enemies proved unavailing until the resentment of Anne Boleyn at his supposed opposition to her advance was added to the scale. Her charms formed the weight that pulled him down: their power suggested the first doubt in the king's mind, whether real or pretended, as to the legality of his union with Queen Catherine. Wolsey could not but

see the difficulties that surrounded the question, nor overlook the political dangers which it involved; but knowing, as he did, the wilfulness of his royal master, he was obliged to qualify his real sentiments. The consequence was that he wavered in his proceedings, appearing now to encourage inquiry, and now to delay the decision; so that he made both the queen and the intended usurper of her bed equally doubtful of his sincerity. The enmity of the latter was the most dangerous, and was finally effective. The pretended trial before him and Cardinal Campeggio was scarcely over before Wolsey found that his power was slipping away; and although in his last audience with the king at Grafton on September 19, 1529, the friendly manner in which he was treated gave him hopes that the royal displeasure was abated, within a little month those hopes were entirely dissipated.

On the first day of Michaelmas Term legal proceedings were commenced against him, on the absurd charge of having, by the exercise of his legantine powers under the pope's bull, transgressed an old statute of the reign of Richard II. Although two days afterwards he received the royal authority to appoint two attorneys to appear for him, under which he selected John Scuse and Christopher Jenney[1] (the future judge), and although he had a complete defence to the indictment, in the royal license confirming the authority under which he acted, he at once saw, in this revival of an obsolete statute, which had been violated in numberless previous instances with impunity, a preconcerted determination to effect his ruin. Feeling, therefore, the inutility of resistance, and hoping to mitigate the royal displeasure by submission, he not only allowed the judgment to go against him, but gave up all he had to the king. The Great Seal, which he surrendered on October 17, was almost immediately placed in the hands of Sir Thomas More[2], who,

[1] Rymer, xiv. 348. 350.

[2] Claus. 21 Hen. VIII., m. 19.

after a few years, fell also a victim to the cruelty of his capricious master.

Wolsey was commanded to retire to Esher, an unfurnished house belonging to his bishoprick of Winchester; and though kind messages from the king had been presented to him, both in his way thither and afterwards, and letters had been even issued on November 18 taking him under the royal protection, he soon found that his trials were not terminated. In the parliament then sitting a bill of impeachment was introduced by his enemies, consisting of forty-four articles, the principal number of which had reference to his exercise of the legantine power, one of them curiously enough acknowledging that he had the king's assent to accept it. Another article complains that, "He used himself more like a fellow to your highness than like a subject," by saying and writing, "The king and I would ye should do this," &c. Many of the charges are such as were of ancient date, and would never have been brought forward had the king's countenance still shone upon him; and while others contain little more than instances of what the document calls, "his high orgullows and insatiable mind," one of them affords an involuntary testimony to his extraordinary powers and assiduity, by affirming that he undertook more business than "ten of the most wise and most expert men in England" could accomplish.

This impeachment was dated on Dec. 1, and was signed by Sir Thomas More, the new chancellor, and by fourteen peers and two judges. How far it was approved by the king may be questioned, since Cromwell, who had been in Wolsey's service, and was either then or soon after admitted into that of Henry, was allowed to oppose its adoption in the House of Commons. There his zealous and eloquent advocacy of his old master's cause was so effective, that the bill was rejected, a course upon which neither Cromwell nor the

Commons would have ventured, without some assurance of his new master's approbation.

There are many proofs that, notwithstanding the efforts of his enemies, the king retained much affection for his fallen minister. He sent his own physician, Dr. Butts, to Esher, when the cardinal was ill; he permitted him, when convalescent, to remove to a more commodious and healthy residence at Richmond; and eventually, on Feb. 12, 1530, he granted to him a free pardon in the fullest terms. In consideration however of these favours, the whole of Wolsey's personal property was sacrificed, except 6,374*l.* 3*s.* 9½*d.*, which he received back in money and goods as a donation from the king. The revenues of the bishoprick of Winchester and the abbacy of St. Alban's were given up, except an annuity of 1000 marks from the former; and from the archbishoprick of York. which alone he was permitted to retain, he was compelled, by an illegal grant to the king, to dismember York Place, which had been the London residence of his predecessors for three centuries. When urged to do this by Judge Shelley, after a long resistance he at length consented, but said, "I say unto you in this case, although you and other of your profession perceive by the orders of the lawe, that the king may lawfully doe the thing which ye require of me; how say you, Mr. Shelley, may I doe it with conscience, to give that away which is none of mine, from me and my successors?" He was obliged to submit; and the king, having obtained possession of this magnificent palace, changed its name to Whitehall.

In the following April, Wolsey was required to go to his diocese; but even this command was accompanied by proofs of the king's consideration for him, in royal letters warmly recommending him to the attention of the Northern nobility. There he spent six months, and so ingratiated himself with all ranks by his piety, courtesy, and hospitality, that when

he was taken from his palace at Cawood on a charge of high treason, he was accompanied by the tears and the blessings of the people.

His increasing popularity in the North excited his enemies at court by the fear that he would in time re-establish his former ascendancy; and they took their steps accordingly. He had never visited his cathedral; and by the custom of the place he could not do so without being installed as its archbishop. Preparations were therefore made for the ceremony, when, three days before it was to take place, he was arrested by the Earl of Northumberland on Nov. 4, 1530. The charges then made against him have not been recorded; and it is difficult to imagine what they could be, after the general pardon he had received from the king. He was allowed to travel towards London by easy journeys, which, indeed, the state of his health rendered necessary. At Sheffield he was entertained by the Earl of Shrewsbury, with whom he remained a fortnight, at the end of which a violent dysentery had reduced his strength so much, that on his arrival on the 26th at the monastery of Leicester, he was so conscious of his approaching end that he said to the abbot, "Father abbot, I am come to lay my bones among you." There he died on the morning of the 29th, closing his life with the well-known and deeply suggestive address to Sir William Kingston, the governor of the Tower: —

"I do assure you, I have often kneeled before the king, sometimes for three hours together, to persuade him from his will and appetite, but could not prevail. And, Master Kingston, had I but served my God as diligently as I have served my king, He would not have given me over in my grey hairs. But this is the just reward that I must receive for my diligent pains and study, not regarding my service to God, but only to my prince."

He was buried in the abbey with decent solemnity; but no monument covered his remains.

It is remarkable that the king's divorce from Queen Catherine, and his marriage with Anne Boleyn, the cause of Wolsey's fall, were not completed till two years and a half after his death.

Altogether, Wolsey was certainly the most extraordinary man that, as favourite or minister, ever ruled the destinies of this kingdom. By his own abilities he raised himself from a humble origin to a position of respectability and character in the university; by his patient wisdom he counteracted an early disgrace; and by his assiduity and willingness to assist those whom he served, he attained the stepping-stone from which he was to spring almost at once to his topmost height. The first matter with which he was entrusted so fully manifested his activity and political dexterity, that he secured the approbation not only of an aged and wise monarch, but also of a young and ambitious prince. Over the latter, almost from the moment of his accession, Wolsey acquired such an influence as to set all other favourites, and almost all other counsellors, aside, and to engross, solely and singly, the whole government of the realm. During his sway, which extended over nearly twenty years, there are no such instances of cruelty, or of oppression, or even of caprice on his part, as too often disgraced the career of powerful favourites in former reigns; the interior of the kingdom was peaceful, its commerce flourishing, and its wars triumphant; it assumed a higher rank in the scale of nations than it had before attained, and its aid and alliance was sought by popes, emperors, and kings. To conclude with the summary of the historian Lingard: "The best eulogy on his character is to be found in the contrast between the conduct of Henry before and after the cardinal's fall. As long as Wolsey con-

tinued in favour, the royal passions were confined within certain bounds; the moment his influence was extinguished, they burst through every restraint, and by their caprice and violence alarmed his subjects and astonished the other nations of Europe."

Yet, notwithstanding these undoubted claims to our admiration, there is something about Wolsey's character that precludes the possibility of regarding it with entire respect. There was too much of state-craft in his policy, too great an absence of straightforward dealing and too little regard for the sacred obligation of an oath in the treaties he negotiated. His personal vanity and pompous assumption, his greediness in accumulating wealth, his delight in the obsequiousness of those around him, the arrogance of his demeanour, and his fondness for parade and ostentatious display, all exhibit a littleness of mind which it is very distasteful to contemplate. He was too proud in his prosperity, too abject when misfortune overtook him. During his long career there is a total absence of any striking personal incident or noble act on which we can delight to dwell, all the transactions in which he was engaged seeming to be tinged with an attempt to glorify and benefit himself. Even his magnificent erection of Hampton Court palace, and the foundation of his two colleges at Oxford and Ipswich, are disfigured by marks of vain-glory and a disregard to the property of others.

It is a remark of Bacon, that "prosperity doth best discover vice, and adversity doth best discover virtue." The truth of this apophthegm is exemplified in Wolsey's career. If his faults and frailties clouded the day of his success, his excellences shone the more brightly in the evening of his downfall. The only part of his life in which an undivided interest can be felt for him, are the six months of his exile in the North. His whole conduct in those his last days was

so exemplary that he becomes the object of our commiseration, and we cannot but exclaim with our poet, —

"Nothing in his life
Became him like the leaving it."

WORCESTER, CHANCELLOR OF. *See* T. HANNIBAL.

WOTTON, WILLIAM.

B. E. 1521.

OF William Wotton, like too many of the barons of the Exchequer of this period, little more is to be found except that he was admitted a member of Lincoln's Inn in July, 1493[1]; that he was appointed to read there in autumn, 1508, 23 Henry VII., but did not do so on account of the pestilence; and that he was selected for the same duty in autumn, 1509, 1 Henry VIII. His name appears among the governors of the house as late as 1527.[2] He succeeded Bartholomew Westby as second baron on July 10, 1521[3]; and in November, 1523, he acted as collector of the anticipation of the subsidy assessed on the judges and barons, his own property being valued at 200*l.*[4] He is not reported as sitting on the bench later than 1527.

WRIOTHESLEY, THOMAS, LORD WRIOTHESLEY.

LORD KEEPER 1544. LORD CHANC. 1544.

See under the Reign of Edward VI.

YONGE, JOHN, DEAN OF YORK.

M. R. 1509.

See under the Reign of Henry VII.

FULLER in his "Worthies" has mistaken this John Yonge for a John Young who was made Bishop of Callipolis in Thrace

[1] Black Book, ii. 22. b.
[2] Dugdale's Orig. 250. 259.
[3] Dugdale's Chron. Series
[4] 3 Report Pub. Rec., App ii. 62.

in 1517, a year after the death of the other. The blunder may be excused when it is known that on the foundation of New College alone there were no less than ten fellows of that name, on which the author jokingly remarks that "seeing that the college was always *new*, well may many fellows be *young* therein."

This John Yonge is believed to have been born at Rye in Sussex, and to have received his education first at Wykeham's college at Winchester, and then at New College, Oxford. He graduated as doctor in both laws, and practised as an advocate in the ecclesiastical courts, taking, as was then usual, holy orders also. In March, 1502, he was presented to the church of St. Stephen Walbrook; in March, 1504, to that of St. Mary le Bow, and in July, 1513, to that of Cherfield in the archdeaconry of Huntingdon, the latter of which was given to him by Cardinal Wolsey, whom he succeeded on May 17 in the following year as Dean of York, when he resigned his other preferments.

The first mention of him in connection with politics is on May 16, 1503, as a witness to the enrolment of the bull relating to the chapel of Windsor. In the following August he was at the head of the commissioners to negotiate a mercantile treaty with Philip, Duke of Burgundy; and in May, 1505, he was employed to treat for the marriage of the king with Margaret, Duchess of Savoy[1],—an object which was subsequently relinquished. Yonge's exertions were not overlooked; and on the elevation of Christopher Bainbridge to the Bishoprick of Durham, the office of master of the Rolls was given to him on January 22, 1508, 23 Henry VII.

On the accession of Henry VIII. Dr. Yonge's appointment was renewed; and his diplomatic services were afterwards occasionally demanded.[2] He retained the mastership of the Rolls till his death, which happened on April 25, 1516,

[1] Rymer, xiii. 61. 105. 128.

[2] Lingard, vi. 9.

two years after he had become Dean of York. On his monument in the Rolls' chapel, the work of Pietro Torregiano a very eminent Florentine, he is represented in a scarlet robe with a four-cornered cap.

Besides the favour of Wolsey, he has the credit of having been the friend of Dean Colet, and the patron of Erasmus.[1]

YORK, ARCHBISHOP OF. *See* T. WOLSEY.

YORK, DEANS OF. *See* T. WOLSEY, J. YONGE.

[1] Wood's Athen. ii. 727.; Dugdale's Orig. 335., and Chron. Ser.

EDWARD VI.

Reigned 6 years, 5 months, and 9 days; from January 28, 1547, to July 6, 1553.

SURVEY OF THE REIGN.

ALTHOUGH no other conviction of a judge for corruption in his office is recorded under the reign of Edward VI., than that of John Beaumont the master of the Rolls, there is too much reason to believe that the course of justice at this period was defiled by many impurities. The seizure of the monastic possessions, and their distribution among greedy applicants by grants to favourites, rewards for pretended services, and sales for inadequate considerations, had stimulated the avaricious propensities of mankind, and, by quickening the invention of colourable pretexts, had deadened those feelings which usually regulate honourable minds. The contest for power during Edward's reign added to the evil, by leaving the administrators of the law too much to themselves in ordinary proceedings, and controlling them by threats and intimidation where public questions were concerned. Thus the slavish subserviency manifest in criminal trials renders it too probable that other influences not less degrading were allowed to operate in private litigation. Bishop Latimer alludes to the subject in terms of strong indignation, asserting that "money is heard everywhere," and boldly charging the judges with being "afraid to hear a poor man against the rich, insomuch they will either pronounce against him, or so drive the poor man's suit that he

shall not be able to go through with it." Nor was the young king blind to the increasing mischief; for in his "Discourse about the Reformation of many Abuses," he remarks that "the lawyers also, and judges, have much offended in corruption and bribery."[1] Amendment was evidently required; and that it was ultimately produced by less violent means than the "goodly sign of a judge's skin" is to be attributed to the prevalence of a better spirit than that which dictated the prayer of the free-spoken bishop.

LORD CHANCELLORS AND KEEPERS.

During this short reign of less than six years and a half, the Great Seal was placed in the custody of no less than four individuals, three with the title of lord chancellor, and one with that of lord keeper; and there was only one ecclesiastic among them.

THOMAS WRIOTHESLEY, LORD WRIOTHESLEY, who held it at the period of Henry's death, retained it on the accession of King Edward, and was then created Earl of Southampton. He was, however, soon deprived of his office; and

WILLIAM PAULET, LORD ST. JOHN, received the Seal on March 6, 1547, with the title of lord keeper. He kept it for nearly eight months, when

RICHARD RICH, LORD RICH, was constituted lord chancellor on October 23, 1547.[2] After remaining so for a little more than four years, he resigned on December 21, 1551; and

THOMAS GOODRICH, Bishop of Ely, received the Seal on the next day as keeper, but was made lord chancellor on January 19, 1552[3], and was still in office on July 6, 1553, the date of the king's death.

On February 18, 1547, two days after Lord Wriothesley

[1] Burnet's Reformation, vol. ii. part. ii. 72.
[2] Claus. 1 Edw. VI., p. 4. m. 24.
[3] Ibid. 5 Edw. VI., p. 5.

was created Earl of Southampton, he issued a commission to the master of the Rolls and the three masters in Chancery who had been appointed in 1544, to hear the causes in Chancery in his absence[1]; and that he attached the Great Seal to it without the authority of the king or council was made the pretence for his dismissal. Under Lord Rich and Bishop Goodrich similar commissions were granted, but to a greater number of persons,—two of the judges, Portman and James Hales, and six masters being added to the master of the Rolls.[2]

Masters of the Rolls.

Sir Robert Southwell, who had held the office of master of the Rolls for the last five years and a half of King Henry's reign, resigned it in the fourth year of that of King Edward, when

John Beaumont was appointed on December 13, 1550.[3] He was disgraced in less than eighteen months; and

Sir Robert Bowes received his patent for it on June 18, 1552[4], and was still in office on the death of the king.

Masters in Chancery.

Sir Robert Southwell, M. R.	1 to 4	Edward VI.
Sir John Tregonwell, LL.D.	1 to 4	—
John Oliver, LL.D., Dean of Christchurch	1 to 4	—
Anthony Bellasis, LL.D., Archdeacon of Colchester	1 to 7	—
William Leson, LL.D.	1–2	—
——— Grimstead	2	—
——— Standish, LL.D.	2 to 4	—
——— Hussey	3–4	—
John Croke, LL.D.	3 to 6	—
William Cooke, LL.D.	4	—
——— Breten	4	—
John Beaumont, M. R.	4 to 6	—

[1] Burnet's Reformation, ii. 31.
[2] Rymer, xv. 246.
[3] Pat. 4 Edw. VI., p. 6. m. 24.
[4] Pat. 6 Edw. VI., p. 4.

Sir Richard Read, LL.D. - - -	4 to 7	Edward VI.
Richard Goodrich - - - -	5	—
John Gosnold - - - - -	5	—
Sir Robert Bowes, M. R. - - -	6–7	—
Richard Lyell, LL.D. - - - -	6–7	—
David Lewes, LL.D. - - - -	?	—

Although in the "Ordinatio Cancellarie" adverted to under the reign of Henry V. two registrars are directed to be provided, the first grant of the office by the crown, now extant, is in 2 Edward VI. It is to Ralph Standish, Gent., to hold by himself or his sufficient deputy or deputies for life. Three others are named in the patent as having previously held it. The name of Standish occurs among the masters; and Anthony Skynner, one of his predecessors, is described in Machyn's Diary as one of the six clerks in Chancery, by whom it is probable that the duty of registrar was formerly performed. It became a place of such importance in point of emolument, that King Charles II. granted it to trustees for Nell Gwynne, and William III. afterwards gave it to her son Charles, Duke of St. Alban's, in whom and whose successors it remained till the end of the last century, the duties being performed by four deputy registrars. In 1833 the four deputies and two others were appointed registrars under the Chancery Regulation Act, 3 & 4 William IV., c. 94.; and these have since been increased in number according to the emergencies of the court.[1]

In this reign occurs the first intimation that trades were carried on in Westminster Hall. In a grant to Sir Andrew Dudley for life, of the places called "Paradyce," "Hell," and "Purgatory," and the other houses before mentioned[2], is this addition: "Also all the *stalls, shops, and profits of stalls and shops* being within the Hall of Westminster, or within its precincts or circuit." In consideration of the houses being

[1] Hardy's Catal. 118—124., quoting Mr. Munro's Report. [2] Ante, p. 14.

taken into the king's own hands and used for depositing the records and rolls of the Exchequer, King Edward granted Dudley an annuity of 12*l.* 13*s.* 4*d.* for life, as a compensation for the loss.[1]

Chief Justices of the King's Bench.

Richard Lyster remained in the office of chief justice of the King's Bench, which he filled on the death of Henry VIII., for the first six years of this reign. On his resignation he was succeeded by

Roger Cholmley, chief baron of the Exchequer, on March 21, 1552, who continued chief justice till the king died.

Judges of the King's Bench.

The three puisne judges of this court on the death of Henry VIII. were all re-appointed, viz. —

I. 1547. Jan. Edmund Mervin,
Thomas Bromley, and
William Portman;

who acted during the whole of this reign, and retained their seats at the end of it, with Chief Justice Cholmley at their head.

Chief Justice of the Common Pleas.

Edward Montagu was the sole chief justice of the Common Pleas during the reign of Edward VI., having filled the same office for the last fourteen months of that of Henry VIII.

Judges of the Common Pleas.

I. 1547. Jan. William Shelley, Humphrey Brown, John Hinde, } the judges at the end of the last reign, had a renewal of their patents.

[1] Rymer, xv. 233.

III. 1549. May 20. James Hales, vice W. Shelley.
IV. 1550. Oct. 22. Edmund Molyneux, vice J. Hinde.
VI. 1552. Nov. 16. William Coke, vice E. Molyneux.

The four judges of this court at the king's death were

Sir Edward Montagu, chief justice,
Sir Humphrey Brown, Sir James Hales,
William Coke.

CHIEF BARONS OF THE EXCHEQUER.

ROGER CHOLMLEY, chief baron at the end of the last reign, retained the office during the first five years of this. He was then promoted to be chief justice of the Court of King's Bench; and

HENRY BRADSHAW, the attorney-general, was appointed on May 21, 1552, and continued chief baron till the end of the reign.

BARONS OF THE EXCHEQUER.

Of the three puisne barons who were living at the death of Henry VIII., one only, John Smith, was removed. The two others —

I. 1547. Jan. Nicholas Luke, and
John Pilborough, were re-appointed.
Feb. 15. Robert Curson, second baron.
II. 1548. May 5. John Darnall, vice J. Pilborough.
III. 1549. Nov. 28. Edward Saxilby, vice J. Darnall.
IV. 1550. May 6. Robert Browne, vice R. Curson.

At the end of the reign the barons were

Sir Henry Bradshaw, chief baron,
Nicholas Luke, Edward Saxilby,
Robert Browne.

Though most of these were members of an inn of Court, none of them were made serjeants at law; and John Pilborough is noticed as a governor of Lincoln's Inn after he became a baron. The old practice of advancing officers of the court to the Exchequer bench is seen in the elevation of John Darnall, who had been ingrosser of the Great Roll.

Table of the Chancellors and Keepers of the Seal, and of the Masters of the Rolls.

A. R.	A. D.	Lord Chancellors and Keepers.	Masters of the Rolls.
1	1547, Jan.	Thomas Wriothesley, Lord Wriothesley, Earl of Southampton	Robert Southwell.
	March 6	William Paulet, Lord St. John, *Keeper*	—
	Oct. 23	Richard Rich, Lord Rich	—
4	1550, Dec. 13	—	John Beaumont.
5	1551, Dec. 22	Thomas Goodrich, Bishop of Ely, *Keeper*	—
6	1552, Jan. 19	„ „ *Lord Chancellor*	—
	June 18	—	Robert Bowes.

Table of the Chief Justices and Judges of the King's Bench.

A. R.	A. D.	Chief Justices.	Judges of the King's Bench.		
1	1547, Jan.	Richard Lyster	Edmund Mervin	Thomas Bromley	William Portman.
6	1552, Mar. 21	Roger Cholmley	—	—	—

Table of the Chief Justice and Judges of the Common Pleas.

A. R.	A. D.	Chief Justice.	Judges of the Common Pleas.		
1	1547, Jan.	Edward Montagu	William Shelley	Humphrey Brown	John Hinde.
3	1549, May 20	—	James Hales	—	—
4	1550, Oct. 22	—	—	—	Edmund Molyneux.
6	1552, Nov. 16	—	—	—	William Coke.

Table of the Chief Barons and Barons of the Exchequer.

A. R.	A. D.	Chief Barons.	Barons of the Exchequer.		
1	1547, Jan.	Roger Cholmley		Nicholas Luke	John Pilborough.
	Feb. 15	—	Robert Curson	—	—
2	1548, May 5	—	—	—	John Darnall
3	1549, Nov. 28	—	—	—	Edward Saxilby.
4	1550, May 6	—	Robert Brown	—	—
6	1552, May 21	Henry Bradshaw	—	—	—

ATTORNEY-GENERAL.

I. 1547. Jan. Henry Bradshaw continued attorney-general till he was made chief baron of the Exchequer; when

VI. 1552. May 21. Edward Griffin, the solicitor-general, succeeded him.

SOLICITOR-GENERAL.

I. 1547. Jan. Edward Griffin.
VI. 1552. May 21. John Gosnold.

SERJEANTS AT LAW.

The inns of court are distinguished by initials; and those who became judges are marked *.

I. 1547. * David Brook, * Richard Morgan (L.),
* John Whiddon (I.), * William Coke (G.),
John Pollard (M.), ? William Croke (I.)[1],
Robert Meynell (L.).

Of these, John Pollard was exonerated in 1550, on his being placed as vice president in the Marches of Wales.[2]

VI. 1552. * James Dyer (M.), * William Staunford (G.),
John Carrell, * William Dalison (G.),
Thomas Gawdy, sen. (I.), Robert Keilwey (I.),
Richard Catlin (L.), * Robert Brooke (M.),
Ralph Rokeby (L.)

KING'S SERJEANTS.

I. 1547. * Edward Saunders,
IV. 1550. * William Coke (G.),
V. 1551. * John Whiddon (I.), * David Brook.
VI. 1552. * James Dyer (M.),

The barristers named in the first of these two calls of

[1] I insert this name, though not in Dugdale's Chronica Series, because, when describing the feast in his Origines, p. 117., he names a "Mr. Croke," as one of the serjeants then made, and because a "Will'm Croke" attests King Edward's will among the serjeants. Mr. Wynne, however, substitutes "David Croke" for "David Brook;" but David Brook was clearly a serjeant, and afterwards became chief baron.

[2] Plowden's Reports, p. 89.

serjeants received their writs of summons in the reign of Henry VIII.; but the king dying before the day of the return, new writs were immediately issued returnable on the same day, which was February 3, 1547, the Thursday after Henry's death. The feast was held in Lincoln's Inn by the special request of Lord Chancellor Wriothesley, the only difference between the ceremony on this and on former occasions being that it was all completed in one day, and that the dinner "was not Epicuryous nor very sumptuous" —caused probably by the recent demise of the king.

On this occasion the gifts made, *nomine regardi*, to the two serjeants who were members of Lincoln's Inn, were 5*l.* apiece, and 8*l.* to one from the society of Gray's Inn. The latter gave 5*l.* apiece and a pair of gloves to two of their members, who were called in 6 Edward VI., when the feast took place at their house on October 17.[1]

The motto inscribed on the rings given by the serjeants in the second call, is stated by Dyer to have been "*Plebs sine lege ruit*;"[2] which is the third on record. It is a curious coincidence, and suggests the idea that the use of mottoes was not yet commonly adopted, that on the monument of Justice Coke, who was raised to the bench in the same term, and who died in the following year, there is the same inscription.

SERJEANTS' INN, FLEET STREET, was the residence of the serjeants during the whole of this reign; but their landlords the Dean and Chapter of York were very near losing the property. The inn and its appurtenances were certified to be employed for a chantry; and under that presumption King Edward granted it as chantry land to Sir Edward Montagu, chief justice of the Common Pleas, and John Champenet. The grant, however, was afterwards overturned in 2 James I., when the majority of judges decided in favour

[1] Dugdale's Orig. 117. 137.; Machyn's Diary, 26. [2] Dyer, 71.

of the dean and chapter on a special verdict in the case of Holloway *v.* Watkins, 2 Croke, 51.[1]

SERJEANTS' INN, CHANCERY LANE, was leased in 2 Edward VI., 1548, for 81 years, by Bishop Goodrich to his brother-in-law Christopher Fulnethy; and there is no evidence of the serjeants occupying it under him.

COUNSEL.

The initials show the courts in which they became judges when first appointed.

T. Atkins,
N. Bacon, Lord K.,
J. Beaumont, M. R.,
W. Bendloes,
J. Birch,
R. Blakwall,
J. Boyse,
H. Bradshaw, Ch. B. E.,
D. Brook, Ch. B. E.,
R. Brooke, C. P.,
G. Browne,
J. Carrell, att. Duchy Lanc.,
Rd. Catlin,
Rt. Catlin, C. P.,
J. Charles,
R. Chidley, att. of Tenths,
Rd. Cholmley,
W. Coke, C. P.,
R. Corbet, K. B.,
G. Crafford,
W. Croke,
W. Dalison, K. B.,
J. Dyer, C. P.,
— Flewet,
W. Foster,
J. Fuller,
T. Gawdy, sen.,
O. Gay,
J. Gosnold, sol.-gen.,
E. Griffin, att.-gen.,
— Gurdon,
J. Hadley,
Jas. Hales, C. P.,
J. Harris,
T. Hemming,
W. Henley,
H. Heydon,
C. Higham, Ch. B. E.,
R. Keilwey,
J. Lucas,
R. Meynell,
E. Molyneux, C. P.,
R. Morgan, Ch. C. P.,
T. Morgan,
H. Payne,
J. Pollard,
N. Powtrell,
J. Prideaux,
— Ramsey,
W. Rastell, K. B.,
R. Rokeby,
— Rollewood,
W. Roper,
G. Saintpole,
E. Saunders, C. P.,
T. Saunders,
J. Smith,
— Southcote, K. B.,
T. Speke,
W. Stanford, C. P.,
T. Stanley,
E. Stewer,
W. Symonds,
J. Tawe,
J. Walpole,
— Walshe,
H. Warde,
A. Weston,
J. Whiddon, K. B.,
G. Willoughby,
J. Wood.

LINCOLN'S INN.—An order was made in the sixth year of this reign, that at every mess at dinner, except on mooting

[1] Drake's Eboracum, 552.

nights, the puisne should put a short case, which the rest should argue "throughoutly," and not depart, under penalty of 12*d.*[1]

INNER TEMPLE.—There are two instances in this house, of readers appointed but refusing to read; John Fuller, and Thomas Gawdy, senior; the latter of whom was fined for his recusancy.

GRAY'S INN.—This society, probably having the example of the Inner Temple in view, imposed a fine of 10*l.* on every reader who refused. An allowance of 35*s.* for a hogshead of wine was made to a reader; but he was restrained from having more than two servants in commons if a double reader, or more than one servant if a single reader. Four of the ancients keeping commons out of term had also the privilege of one servant each.

By another order of the same date (4 Edward VI.) no comedies, called interludes, were to be played out of term except at Christmas; and when there were any such comedies, the charge of the apparel was to be borne by all the society.

The utensils of the chapel, which were prohibited by the Act of Reformation, were sold. Among them was "a pair of organs."[2]

STRAND INN.—This inn, which was in connection with the Middle Temple, was pulled down in the third year of this reign, 1549, by the Protector Edward, Duke of Somerset, to make way for the magnificent palace which he built on the site of this and other property. As no new inn of Chancery was substituted for it, it may be presumed that the students resorting to it were not numerous.

FURNIVAL'S INN, which in the reign of Henry VI. had been acquired by John Talbot, Earl of Shrewsbury, on his marriage with Matilda, daughter of Thomas Neville, Lord

[1] Dugdale's Orig. 243. [2] Ibid. 276. 275*. 284, 285.

Furnival, was by deed dated 16 December, 1547, 1 Edward VI., sold by Francis the fifth earl of that name, to Edward Griffin, Esq., then solicitor-general, William Roper, and Richard Heydon, Esqs., and their heirs. All these gentlemen were governors of Lincoln's Inn, for which house they purchased it in trust, receiving the consideration money, 120*l.*, from the treasury of the society, to whom the principal and fellows of Furnival's Inn thenceforward paid a rent of 3*l.* 6*s.* 8*d.*[1]

THAVIE'S INN was at this time commonly called Davey's Inn, and is thus described in a conveyance of it in 1547 from Roger Pateshall to Gregory Nicholls or Nicholas, citizen and mercer, and also in another conveyance in 1549 from the latter to Edward Griffin the solicitor-general and others for the use of the society of Lincoln's Inn, who granted a lease of it to the principal and fellows at a rent of 3*l.* 6*s.* 8*d.*, with the same privileges as to admission of their students to Lincoln's Inn, as those of Furnival's Inn had.[2] It continued the property of Lincoln's Inn till the year 1771, when it was sold to Thomas Middleton, Esq.

[1] Dugdale's Baron. i. 328.; Orig. 270.

[2] Hickins's Report of Allen v. Waller, p. lxxii.; Orig. 271.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF EDWARD VI.

BEAUMONT, JOHN.

M. R. 1550.

THE barony of this very ancient family dates from the year 1309; and its sixth possessor was the first English noble to whom the title of viscount was granted, in 1440. In 1507 this new dignity became extinct for want of male heirs, and the old one fell into an abeyance which was not terminated till the year 1840, when the father of the present baron (Miles Thomas Stapleton) was summoned to parliament as the representative of the eldest daughter of the last lord's sister.

The immediate ancestor of John Beaumont the master of the Rolls was Sir Thomas the second son of the fourth baron. He had two sons, John and Thomas. From John descended a long line of distinguished knights and gentlemen, two of whom were created baronets, — Sir Thomas Beaumont of Cole-Orton in Leicestershire in 1619, who was raised to the peerage of Ireland as Viscount Beaumont of Swords, both titles becoming extinct in 1702; and another Sir Thomas Beaumont, of Stoughton Grange in Leicestershire, in 1660, whose descendant still enjoys the title. Thomas, the second son of Sir Thomas, was the father of a third Thomas, who was seated at Thringston near Cole-Orton, and died in 1530, leaving, by his wife Anne Harcourt, two

sons, — John, the master of the Rolls, and Edward, whose representatives still flourish at Barrow-on-Trent, in the county of Derby.

John Beaumont began his legal career at the Inner Temple, and, gradually rising to the bench of that society, filled the office of reader in autumn, 1537, and a second time in Lent, 1543, and was elected treasurer in 1547.[1] As his name does not appear in any of the Reports, he probably did not practise in the Common Law Courts, but confined himself to the Chancery and the Star Chamber, and to such duties as devolved upon him as surveyor of Leicestershire for the crown. In 1550 he was chosen recorder of Leicester; and his elevation to the mastership of the Rolls took place on December 13 of the same year, on the resignation of Sir Robert Southwell.[2] He was assigned with others to hear causes for Lord Chancellor Rich in November, 1551, and for Lord Chancellor Goodrich on January 21, 1552.

On the ninth of the following month, according to King Edward's journal, he "was put in prison for forging a false deed from Charles Brandon, Duke of Suffolk, to the Lady Anne Powis, of certain lands and leases;" and it appeared by his subsequent confession that, in a cause before him in Chancery between the succeeding duke, Henry, and the lady, he had bought her title, and had forged the hand of the late duke to support it. In addition to this he was charged with peculation to a large extent, an offence which was then too prevalent. In his submission, which is dated May 28, he designates this by the softer name of a debt charged upon him in the Court of Wards and Liveries, amounting to 20,871*l.* 18*s.* 8*d.*, in satisfaction of which he was "pleased and contented" that the king should have all his manors and lands, and all his goods and chattels, with the issues and

[1] Dugdale's Orig. 164. 170.

[2] Pat. 4 Edward IV., p. 6. m. 24.

profits of the same, provided that all just allowances out of the said debt were made to him. To this submission the surrender of his office was added. The king records his subsequent denial of his guilt, and his ultimate confession of it in the Star Chamber on June 20. Sir Robert Bowes was designated as his successor as early as May 10; and the patent of his appointment on June 18 contains an entry of the disgraceful nature of Beaumont's dismissal. Hayward adds that "he was a man of a dull and heavy spirit, and therefore the more senselessly devoted in his sensual avarice."[1]

He was evidently treated with much leniency. By an order of Privy Council on April 10, Sir John Markham was directed "to avoid the possession of the manor of Southwell in Nottinghamshire, which he had forceably entred since Mr. Beaumont's sequestration." The monastery of Grace-Dieu, with a considerable estate in Charnwood Forest in Leicestershire, given to him and his wife and their heirs by Sir Humphrey Foster in 1539, which he had given up at his disgrace, was in the following year granted by the king to Francis, Earl of Huntingdon, and his heirs. As the earl was uncle to John Beaumont's wife, it may be readily supposed that this was a merciful mode of restoring the estate to the family; and consequently, on Beaumont's death five years afterwards, the lady entered on the land, which was confirmed to her by the then Earl Henry[2], and was enjoyed by their son, to whose posterity it descended.

She was Elizabeth, the daughter and heir of Sir William Hastings, the younger son of William, Lord Hastings; and by her he had two sons — Francis, the judge in the reign of Queen Elizabeth, and Henry, who was buried in the Temple church at the age of forty-two.[3]

[1] Burnet, Reform. (Oxf. 1829) ii. pt ii. 68. 80–83.; Kennet, ii. [319.]
[2] Coke's 9 Rep. 138. [3] Orig. 178.; Wotton's Baronet. iii. 235.

BOWES, ROBERT.

M. R. 1552.

See under the Reign of Mary.

BRADSHAW, HENRY.

CH. B. E. 1552.

FULLER fixes the nativity of Henry Bradshaw in Cheshire, judging from his surname, but evidently knows nothing of his family. Very little is recorded of him beyond the offices he held, except that he received his legal education at the Inner Temple, and was twice reader to that society, viz. in autumn, 1536, and in Lent, 1542, filling also the place of treasurer twice, and of governor three times. In 1540 he succeeded William Whorwood as solicitor-general, and became attorney-general in 1545, — a period so full of criminal prosecutions that it is remarkable so little is said of his conduct of them.

On the promotion of Sir Roger Cholmley to the King's Bench, Bradshaw succeeded him as chief baron of the Exchequer on May 21, 1552.[1] In June, 1553, he witnessed King Edward's will, settling the crown on Lady Jane Grey, and would probably have been removed from his place by Queen Mary, had not death overtaken him three weeks after her accession. He died on July 27, 1553. His wife Johan, daughter and co-heir of John Hurst of Kingston-upon-Thames, and widow of William Mainwayringe of Estham in Essex, survived him till 1598, when she was buried in the old church at Noke near Islip in Oxfordshire. They had four sons and four daughters.[2]

[1] Dugdale's Orig. 164. 170. 172.; Chron. Ser.; Fuller, Cheshire.

[2] Chron. of Queen Jane (Camden Soc.), 100.; Gent. Mag. lix. 1011.

BROMLEY, THOMAS.

Just. C. P. 1547.

See under the Reigns of Henry VIII. and Mary.

BROWN, HUMPHREY.

Just. C. P. 1547.

See under the Reigns of Henry VIII., Mary, and Elizabeth.

BROWN, ROBERT.

B. E. 1550.

See under the Reigns of Mary and Elizabeth.

CHOLMLEY, ROGER.

Ch. B. E. 1547. Ch. K. B. 1552.

See under the Reign of Henry VIII.

Sir Richard Cholmley, the father of the judge, descended from the ancient race of Cholmondeley in Cheshire, was settled at Golstore in Yorkshire, and distinguished himself greatly as a soldier. He was lieutenant governor of Berwick under Henry VII., and afterwards governor of Hull and lieutenant of the Tower of London. He died in 1522 without legitimate issue, but leaving a handsome provision for his natural son Roger, whom he had brought up to the law, and placed at Lincoln's Inn. The date of his admission there cannot be found; but the fact of his being readmitted in 1509[1] gives some substance to the story that the embryo chief justice entered at first rather freely into the frolics of youth. It is evident that he soon reformed, and diligently pursued his legal studies, laying up stores for future use so assiduously, that within two years after his father's death he was admitted to the bench of the society. He filled the office of reader there no less than three times,

[1] Lincoln's Inn Black Book, iii. 22. b.

—an extraordinary honour. The first was in Lent, 1524, the second in Lent, 1529, and the third in autumn, 1531, on the occasion of his being called to the degree of the coif, which he assumed in the following Michaelmas Term.[1]

Roger Ascham tells a story which Cholmley used to relate of himself, that when he was an ancient in Lincoln's Inn, certain students being brought before him to be corrected for their irregularities, one of them remembering the old man's early career in the same house, said to him, "Sir, we be yong gentlemen, and wise men before us have proved of all factions, and yet have done well." "Indeed," answered Cholmley, "in youthe I was as you are now, and I had twelve felloes like unto myself; but not one of them came to a good end. And therefore foloe not my example in youth, but foloe my counsell in age, if ever ye think to come to this place, or to theis yeares that I am come unto, lesse ye meet either povertie or Tiburn in the way."[2]

In 1530 he was appointed one of the commissioners to inquire into Cardinal Wolsey's possessions in Middlesex[3]; and in October, 1536, he was knighted, having in the preceding year been elected recorder of London. This office he held for ten years, during which he was twice returned as representative of that city in parliament, viz. in 1537 and 1542.[4] He was named in 1540 as a commissioner in London to search for and burn all heretical books, and to inquire into transgressions against the acts of the Six Articles. His London residence was in the Old Bailey, and probably formed part of the property (now the London Coffee House) which he granted to his school at Highgate; and he at this time possessed several manors in Kent, which were disgavelled with those of other proprietors by st. 31 Henry VIII., c. 8.

It was not till 1544 that he was made one of the king's

[1] Dugdale's Orig. 251.
[2] Seward's Anecdotes, iv. 275.
[3] Rymer, xiv. 402.
[4] Maitland's London, 1206.

serjeants. He then surrendered the recordership, on which occasion the corporation granted him yearly a new year's gift of twenty angels (nobles) in gold.[1] In the following year, on November 11, he was selected to succeed Sir Richard Lyster as lord chief baron of the Exchequer,—an office which he retained for the remainder of Henry's reign, and for above five years under Edward VI. Soon after his appointment he had a license to retain twenty persons in his service besides his menial servants and officers, and to give them tokens and liveries at his pleasure.[2] On March 21, 1552, he was promoted to the chief justiceship of the King's Bench, again taking the place of Sir Richard Lyster.[3]

He had been seated there little above a year before he was called upon to witness the will by which King Edward attempted to exclude his sister Mary from the throne. Although this was probably not a voluntary act, but under pressure of the powers that ruled, yet within a few days after the accession of that princess he was committed to the Tower, where he remained six weeks, at the end of which he was liberated on payment of a large fine. During the continuance of his confinement he was charged by the constable of the Tower 3*l.* 16*s.* 8*d.* per week for his board.[4] Though never replaced on the bench, he was soon restored to favour. In the following January (1554) he was named in the commission of Oyer and Terminer for the trial of William Hackney for high treason, and in several other commissions in the first year of Mary's reign.[5] One of these was for the trial of Sir Nicholas Throckmorton, from whose remarks at the outset it may be inferred that his character for impartiality did not stand very high. The attorney-

[1] City List of Recorders. [2] 2 Report Pub. Rec., App. ii. 278.
[3] Dugdale's Chron. Ser.
[4] Camden Misc. iii.; Anc. Biog. Poems, 8; Machyn's Diary, 38. 43.
[5] 4 Report Pub. Rec., App. ii. 238—250.

general having consulted with Sir Roger as to those citizens who should be challenged for the queen, Throckmorton said, "I trust you have not provided for me this day as in times past I knew another gentleman occupying this woful place was provided for. It chanced one of the justices, upon jealousy of the prisoner's acquittal for the goodness of his cause, said to another of his companions, a justice, when the jury did appear, 'I like not this jury for our purpose, they seem to be too pitiful and charitable to condemn the prisoner.' 'No, no,' said the other judge (to wit, Cholmley), 'I warrant you they be picked fellows for the nonce; he shall drinke of the same cup his fellowes have done.' I was then a looker on of the pageant, as others be now here; but now, wo is me, I am a player in that woful tragedy." Cholmley continuing to advise with the attorney-general, Throckmorton exclaimed, "Ah! ah! Master Cholmley, will this foul packing never be left?" To which Sir Roger answered, "Why, what do I, I pray you, Mr. Throckmorton? I did nothing I am sure; you do pick quarrels to me." And Throckmorton ended the colloquy by saying, "Well, Master Cholmley, if you do well it is better for you; God helpe you."[1] Whether Sir Roger was cowed by this attack, or was only added to the commission in consequence of his acquaintance with the citizens enabling him to advise as to the jury, he certainly interfered very little in the remainder of this interesting trial.

Queen Mary admitted him into her Privy Council, by the books of which it appears that he was on several occasions appointed to examine certain prisoners in the Tower, with the addition of the horrible discretion of putting them "to such tortures as . . . shall be thought most convenient."[2]

On February 15, 1555, the Princess Elizabeth spent the

[1] Holinshed (1808), iv. 33.

[2] Jardine on Torture, 75, 76.

night at Sir Roger's house at Highgate, on her way to her sister's court after Wyatt's rebellion.[1]

Sir Roger lived for seven years after Elizabeth's accession; and his name occurs as late as 1562 in a commission for the trial of persons charged with coining. The evening of his life he passed in the calm delights of literary retirement, closing it by establishing and amply endowing one of those useful foundations which then became the happy substitutes for chantries for priests (prohibited by the progress of the Reformation), and which now remain as glorious memorials of the piety and forethought of their originators. This was a free grammar school at Highgate, which was incorporated by Queen Elizabeth's letters patent on May 6, 1565. One of his last acts was an additional grant in its favour of various premises in the following month, at the close of which he died. He was interred on July 2nd at St. Martin's, Ludgate, where his wife Christine had been buried in December, 1558.[2]

He left only two daughters, the elder of whom, Elizabeth, was married first to Sir Leonard Beckwith of Selby in Yorkshire, and secondly to Sir Christopher Kenn of Kenn in Somersetshire. Frances, the younger daughter, became the wife of Sir Thomas Russell of Strensham in Worcestershire. The property they inherited was very extensive, the books of the Augmentation Office showing that the judge had a considerable share in the lands distributed on the dissolution of the monasteries.[3]

Sir Roger is confounded by Strype and others with his Cheshire kinsman Ranulph or Randle Cholmley, who, like him, was a reader of Lincoln's Inn, a serjeant at law, recorder

[1] Tytler's Edw. and Mary, ii. 428. [2] Machyn's Diary, 181. 290. 368.

[3] Hasted's Kent, i. 450., ii. 148., iii. 488., vi. 55.; 9 Report Pub. Rec., App. 190.; Ormerod's Cheshire, iii. 208. The late John Holmes, Esq., of the British Museum, also favoured me with the use of notes which he had carefully collected relative to this judge.

of London, and member of parliament for that city. He died two years before Sir Roger.

COKE, WILLIAM.

JUST. C. P. 1552.

MILTON in Cambridgeshire is the place of William Coke's burial, and perhaps may have been that of his nativity. After studying the elements of the law in Barnard's Inn, he removed to Gray's Inn, where he was admitted in 1528, and was called to the bar in 1530. He rose to the office of reader there in Lent, 1544; but the pestilence in London prevented him from performing the duty. He was again nominated in autumn, 1546, in consequence of his having been summoned in the previous Trinity Term to assume the coif. The day fixed for him and five others to receive this degree was February 3, 1547; but Henry VIII. dying on January 28, new writs were issued returnable the same day, when at the request of Lord Chancellor Wriothesley they held their feast in Lincoln's Inn hall. The members of Gray's Inn presented William Coke with eight pounds in gold on the occasion, *nomine regardi.* On October 22, 1550, he was made one of the king's serjeants; and on November 16, 1552, he succeeded Sir Edmund Molyneux as a judge of the Common Pleas.[1]

On July 27, 1553, eight days after Queen Mary was proclaimed, Machyn says that "Maister Coke," with Cheke, the king's schoolmaster, and Sir John Yorke, were sent to the Tower, to which fortress the two chief justices had been committed the previous day.[2] The offence of the latter two was the signing of King Edward's will settling the crown on Lady Jane Grey. Coke's name does not appear among the signatures to that document; but that of "Will'm Croke" does, which has been supposed to be a miscopying

[1] Gray's Inn Books; Dugdale's Orig. 117. 137. 293.; Chron. Ser.

[2] Machyn's Diary, 26. 38.

or a misprint for "Will'm Coke." There is, however, no ground for this supposition, because the name does not appear among the other *judges* who signed, and it does appear among the other *serjeants;* and "Mr. Croke" was made a serjeant at the same time with Coke.[1] Under the same date too, in the "Chronicle of the Grey Friars of London" (p. 81.), Coke's committal is omitted, while that of Sir Thomas Wroth, who certainly witnessed Edward's will, is recorded; so that as nothing is said of Coke's discharge, and as his death occurred on the 24th of the following month, it is clear that Machyn mistook the name of Wroth for Coke.

On Coke's monumental brass at Milton, both he and his wife Alice, together with two sons and three daughters, are represented,—he in his judicial robes, and they in the costume of the period. Above his head is a label, the inscription on which — "Plebs sine lege ruit" — would seem to have been intended to intimate that his death resulted from anxiety with regard to the changes of the day, were it not that this was the motto on the rings of the serjeants who were called in the same term in which he was raised to the bench[2], which probably was the reason for its adoption.

CURSON, ROBERT.

B. E. 1547.

PHILIPPS, in his "Grandeur of the Law" (1684), calls this judge an ancestor of Sir John Curson of Water Perry in Oxfordshire, whose father had been created a baronet twenty-three years before that date. But the pedigree in the baronetages does not include his name, nor does it appear either in that of the senior branch of the family, the Cursons of Keddlestone in Derbyshire, who were made baronets twenty years previously, a title which is now merged in that of Earl Howe, Viscount Curzon.

[1] Dugdale's Orig. 117.

[2] Boutell's Monum. Brasses of England, 45.; Dyer, 71.

Robert Curson became a reader of Lincoln's Inn in autumn, 1529, and a second time in Lent, 1537. From the next year till 1547 he was a governor of that house; and on the accession of King Edward VI. in the latter year he was promoted to the bench as second baron of the Exchequer. His successor in that office was appointed on May 6, 1550.[1]

DARNALL, JOHN.

B. E. 1548.

OF John Darnall nothing is known beyond what is communicated by the patent roll: viz. that on February 26, 1544, he was appointed ingrosser of the Great Roll of the Exchequer, otherwise called clerk of the Pipe; that on May 5, 1548, he was constituted fourth baron of that court on the death of John Pilborough; that on June 7 following he was joined with two others in the office of ingrosser of the Great Roll; and that he retained his seat on the bench little more than eighteen months, being succeeded on his death by Edward Saxby or Saxilby on November 28, 1549.[2]

ELY, BISHOP OF. *See* T. GOODRICH.

GOODRICH, THOMAS, BISHOP OF ELY.

LORD KEEPER, 1551. LORD CHANC. 1552.

THIS learned prelate was the second son of Edward Goodrich of East Kirby in the county of Lincoln, by his third wife, Jane, sole daughter of Mr. Williamson of Boston. The name was pronounced and often spelled Goodrick, notwithstanding that the epigram given by Granger suggests a different reading: —

> "Et bonus, et dives, bene junctus et optimus ordo;
> Præcedit bonitas, pone sequuntur opes."[3]

[1] Dugdale's Orig. 251. 259.; Chron. Series.
[2] Rot. Pat. 35 Hen. VIII., p. 17., 2 Edw. VI., p. 5., 3 Edw. VI., p. 2.
[3] Granger's Biog. Hist., i. 136.

Thomas was educated at Cambridge, where he was a pensioner of Benett College, from which he was elected a fellow of Jesus College in 1510, and was proctor of the university in 1515. Although he took his degrees in divinity, his proficiency in the canon and civil laws led to his appointment as one of the syndics, in 1529, to prepare the university's answer on the question of the king's marriage with Queen Catherine. Thus introduced to the royal notice, he received the rectory of St. Peter's Cheap in London, and was nominated one of the king's chaplains with a canonry in St. Stephen's, Westminster. On March 17, 1534, he was elected Bishop of Ely, the royal patent of approval being dated on April 3.[1]

His zeal for the Reformation was soon manifested in his diocese by stringent orders to his clergy to erase the pope's name from all their books, and to demolish all images and relics in their churches. In 1537 he was one of the compilers of the work which was called the "Bishop's Book;" and soon afterwards the Gospel of St. John was allotted to his share in the revision of the New Testament. In 1540 he seems to have been suspected of being concerned in the translation of Melancthon's Epistle, as his study was directed to be searched.[2] Under Edward VI. he assisted in the compilation of the liturgy; and in 1549 and 1550 he was one of the commissioners assigned to inquire "super hæretica pravitate." In May of the next year he was appointed a commissioner to invest the king of France with the order of the Garter, and to treat of the marriage of his daughter Elizabeth with Edward.[3] On the 22nd of December following, the Great Seal on the sudden retirement of Lord Chancellor Rich was given into the bishop's hands as keeper. This deposit, which seems in the first instance to have been

[1] Rymer, xiv. 486.
[2] Acts Privy Council, vii. 98.
[3] Rymer, xv. 181. 250. 280.

only temporary till Rich's recovery from his pretended illness, was by the almost immediate discovery of the real cause of that minister's retirement converted into a permanent one, with the full title of lord chancellor, on January 19, 1552.[1]

In the parliament which met on the next day, the new liturgy was made the law of the land. Another was held in March, 1553, being the last in Edward's reign; and this was remarkable for being opened, not in the regular place of assembly, but, on account of the king's illness, in the great chamber of the palace, where the bishop, as chancellor, declared the causes of the meeting.[2] Within four months after its dissolution the king died, having previously settled the crown on Lady Jane Grey, by an instrument which the Duke of Northumberland had induced the bishop to authenticate with the Great Seal. He does not appear to have been consulted on the subject; but with the rest of the Council he subscribed the undertaking to support the royal testament, and he acted on the Council during the nine days of that unfortunate lady's reign, signing as chancellor several letters issued by them on her behalf, the last of which is dated on July 19. He was accordingly one of the prisoners named for trial on the accession of Queen Mary; and it was perhaps on account of his having joined in the order sent by the Council on July 20, commanding the Duke of Northumberland to disarm, that her Majesty struck his name out of the list.[3]

The Great Seal was of course taken from him, and soon afterwards given to Bishop Gardiner; and his death within a year from his dismissal probably released him from those investigations which were so fatal to some of his brethren. He has been charged with temporizing in religious matters

[1] Claus., 5 Edw. VI., p. 5. [2] Robertson's Heylin, 221. 252. 291.
[3] Chron. of Queen Jane (Camden Soc.), 91. 109.; Lingard, vii. 122.

after Mary's accession, because he was allowed to retain his bishoprick. Would it not be more candid to attribute his impunity either to the known mildness of his disposition, and his consequent avoidance of all obnoxious interference, or to the commencement of that painful disease, the stone, which incapacitated him from active duties, and in a few months terminated his life?

He died at his palace at Somersham, on May 10, 1554; and on his brass in Ely cathedral he is represented in his episcopal robes as he wore them after the Reformation, with a bible in one hand, and the Great Seal in the other. Of his munificent expenditure on the buildings of his see, the long gallery at Ely palace is an existing memorial.[1]

HALES, JAMES.

Just. C. P. 1549.

See under the Reign of Mary.

HYNDE, JOHN.

Just. C. P. 1547.

See under the Reign of Henry VIII.

JOHN HYNDE was of a family seated at Madingley in Cambridgeshire. He was entered of Gray's Inn, and was reader there in Lent, 1517, duplex reader in Lent, 1527, and a third time in autumn, 1531, on his being called to the degree of the coif, which he assumed in the following Michaelmas Term. On January 2, 1535, he was nominated a king's serjeant[2]; and in December, 1540, a letter was addressed to him by the Council, directing him and three others to take a chaplain and a servant of Goodrich, Bishop of Ely, and to search their houses, and also the bishop's study, as to a "sedycious epistle of Melancton's," and, if they found that

[1] Angl. Sac. i. 676.; Boutell's Monum. Brasses, 18.; Godwin, 272.

[2] Dugdale's Orig. 292.; Chron. Ser.

he had assisted in the translation, to charge him to appear before the Council.[1]

An act passed in 1542-3 in Hynde's favour (st. 34 and 35 Henry VIII., c. 24.) affords a curious insight into the practice of those days as to the payments made to members of parliament. It recites that the manor of Burlewas, otherwise called the Shyre manor of the county of Cambridge, and 200 acres of land, 100 acres of meadow and 100 acres of pasture, in Madingley, were let to farm at 10*l.* a year, to the intent that the yearly profits should be applied to the payment of the fees and wages of the knights of that county sent to parliament, whereby the inhabitants of the county had been discharged from such payment, and that for the more sure continuance thereof, and that it might be perfectly known what person should be charged to pay the said rent of 10*l.*, all the gentlemen of the said county desired that it might be, and it was, enacted that John Hynde, one of the king's serjeants at law, and his heirs, should hold the same to him, his heirs and assigns for ever, upon condition to pay 10*l.* to the sheriff and members of the county, who were incorporated by the act, by the name of the wardens of the fees and wages of the knights of the shire of Cambridge, and were to divide the same between the two knights every year.[2] Hynde's participation in the plunder of the monasteries is evidenced by various grants entered in the Augmentation Office.[3]

On November 4, 1545, he was promoted to the bench of the Common Pleas, and knighted. He sat there during the remainder of Henry's reign, and for nearly four years in that of Edward, during part of which time he was one of the Council of the North.[4]

He died in October, 1550, and was buried in the church of

[1] Acts Privy Council, vii. 98.
[2] Stat. of the Realm, iii. 924.
[3] 9 Report Pub. Rec., App. ii. 228.
[4] Burnet's Reformation, ii. pt. ii. 312.

St. Dunstan's, Fleet Street, being attended to the grave by "the juges ij and ij together, and then serjeants of coyffe ij and ij together." Old Machyn's entry proves him to have been of good repute and character, for after saying, "and my Lade Hinde dyd make anodur standard, and a cote armur, and a penon, and a elmet, and target, and sword, to be had at the moynthe's mynde in the contrey for hym, and a grett dolle of money, and of mett and drynk, and gownes to the pore," he adds, "for ther was myche a doo ther for hym."[1] This is better than an epitaph.

LUKE, NICHOLAS.

B. E. 1547.

See under the Reigns of Henry VIII., Mary, and Elizabeth.

LYSTER, RICHARD.

Ch. K. B. 1547.

See under the Reign of Henry VIII.

Sir Frederick Madden in his "Remarks on the Monument of Sir Richard Lyster in St. Michael's Church Southampton,"[2] describes both the judge's grandfather, Thomas, and his father, John, as of Wakefield in Yorkshire. His mother was a daughter of Beaumont of Whitley in the same county. He had his legal training in the Middle Temple, where he arrived at the dignity of reader in Lent, 1516, and of double-reader in Lent, 1522, and he was appointed treasurer of the society in the following year.[3]

Of his early professional employment there is no account, the year books and other reports entirely omitting his name; but that he had acquired considerable legal eminence may be concluded from his being placed in the office of solicitor-general on July 8, 1521. He was succeeded in this post by Christo-

[1] Machyn's Diary, 4. [2] Proceedings of Archæol. Inst. Winchester, 115.
[3] Dugdale's Orig. 215. 221.

pher Hales on August 14, 1525; and although he is not introduced into the list of attorney-generals in Dugdale's Chronica Series, there is little doubt that he then followed Ralph Swillington in that office; as he is mentioned with the title in the will of Cicily Marchioness of Dorset, dated May 6, 1527[1]; and as Christopher Hales was made attorney-general immediately after Lyster's elevation to the bench as chief baron of the Exchequer on May 12, 1529, apparently as his successor.

On his promotion he was knighted and was named as a commissioner on the trials both of Bishop Fisher and Sir Thomas More; but he does not appear to have taken any prominent part in either. After presiding in the Exchequer above sixteen years, he was advanced to the office of chief justice of the King's Bench on November 9, 1545, 37 Henry VIII.; and in this character he attested the submission and confession of Thomas Duke of Norfolk on January 12, 1547, a fortnight before the king's death.[2]

On the accession of Edward VI. he was reappointed, and his first duty on the Thursday after was to address a batch of new serjeants on their inauguration at Lincoln's Inn. This he did, as the reporter significantly says, in "a godly thowghe sumwhate prolix and long declaration of their duties and exhortation to their full following and execution of the same."[3] He resigned at the end of the first five years of the reign on March 21, 1552, when he was succeeded by Sir Roger Cholmley.

The remainder of his life he spent at his mansion in Southampton, which Leland describes as being "very fair"; and dying on March 14, 1554, he was buried in the church of St. Michael's there. By the inquisition after his death taken at Andover, he was found to be possessed of eleven

[1] Testam. Vetust. 634.
[2] State Trials, i. 387. 398. 458.
[3] Dugdale's Orig. 118.; Chron. Ser.

manors in the counties of Hants and Surrey, together with various other lands and tenements. His monument represents him in scarlet robes (the colour of which has now disappeared), with a collar of S. S. round his breast, a judge's cap on his head, and a book in his hand. A part of the inscription remains which records its erection by his widow Elizabeth.

This lady, who was a daughter of — Stoke, was his second wife; and by her he had a daughter Elizabeth, married to Sir Richard Blount, and a son Michael, knight of the Bath, who died in his father's life time, leaving a son Richard, who married Mary the second daughter of Lord Chancellor Wriothesley and widow of William Shelley of Michelgrove.[1]

His first wife was Jane, daughter of Sir Ralph Shirley of Wistneston, Sussex, and widow of Sir John Dawtrey of Petworth. Her portrait by Holbein is in Her Majesty's collection.[2]

MERVIN, EDWARD.

Just. K. B.

See under the Reigns of Henry VIII., and Mary.

MOLYNEUX, EDMUND.

Just. C. P. 1550.

The family of Molyneux is one of the few ancient houses which can trace their descent in uninterrupted knightly succession from a warrior who accompanied William of Normandy into England. Its present representative is the Earl of Sefton, whose immediate ancestor was made a baronet in 1611, to which was afterwards added an Irish viscounty in 1628, an Irish earldom in 1771, and an English barony in 1831. These owe their beginnings to an uncle of the judge.

[1] Machyn's Diary, 8. 273.

[2] Gent. Mag. lxiii. 831.

From Robert the judge's elder brother by his father's first wife, descended another of the baronets of 1611; but the title became extinct in 1812.

Sir Thomas Molyneux of Haughton in Nottinghamshire married twice. By his first wife, Elizabeth daughter of Sir Robert Markham, he had the one son above alluded to. By his second wife, Catherine the daughter of John Cotton of Ridware in Staffordshire and widow of Thomas Poutrell of Hallam in Derbyshire, he had two sons, the elder of whom was Edmund the judge, and the younger, Anthony, was a doctor in divinity and a beneficed clergyman.

Edmund received his legal instruction at Gray's Inn, to which society he was twice reader; the first time in Lent, 1532, and the second in Lent, 1536. He was invested with the coif on November 20, 1542, and while he held that degree he was appointed one of the council in the North. Eight years afterwards he was promoted to the bench, being constituted a judge of the Common Pleas on October 22, 1550, 4 Edward VI., and was then knighted. He did not long enjoy his elevation, his death occurring towards the end of the year 1562.

His character as depicted by Gregory King, Lancaster Herald, was that of "a man of very mild spirit, modest and courteous behaviour, affable, fine, neat, cleanly, gracious and acceptable to all sorts of men, well beloved, and not meanly regarded and esteemed, where he carried authority and had place of government; who for his integrity, honest plainness and sincerity, coupled with an ancestor kind, of godly life and sanctimony, was a man for these respects, greatly to be admired, honoured and reverenced."

He was possessed of the manor of Thorpe near Newark, and bought the lands of the knights hospitallers of St. John of Jerusalem in that place. By his wife Jane, daughter of John Chency of Chesham-boys in the county of Bucks, he

left five sons and three daughters, and the family flourished at Thorp for several generations.[1]

MONTAGU, EDWARD.

CH. C. P. 1547.

See under the Reign of Henry VIII.

EDWARD MONTAGU was the second son of Thomas Montagu of Hemington in Northamptonshire, who died in 1517, by Agnes daughter of William Dudley of Clopton in the same county. There is no doubt that he descended from the noble house of Montagu Earls of Salisbury; but whether from a legitimate or illegitimate branch is disputed. Edward was born at Brigstock in the neighbourhood of Hemington; and being a younger son was educated for the law, keeping his terms at the Middle Temple. He attained the office of reader there in Autumn, 1524; and was again appointed to it in Autumn, 1531, upon his being named as a Serjeant at law[2], to which degree he was admitted in the Michaelmas of that year; when he and his fellows gave the splendid feast at Ely House described in the survey of the reign of Henry VIII.

A story is told that, being Speaker of the House of Commons when some hesitation was shewn in passing a Bill for subsidies, he was sent for by King Henry, who said to him, "Ho! will they not let my bill pass? Get it to be passed by such a time to-morrow, or else," laying his hand on the head of Montagu, kneeling before him, "by such a time this head of yours shall be off." There is very little authority for the tale, and if he ever had any such interview with the monarch, it must have been as a private member of the Parliament, and not as Speaker, for he never held the office.

[1] Wotton's Baronet. i. 149.; Thoroton's Notts, i. 351.; Dugdale's Orig. 293.; Chron. Ser.; Burnet.

[2] Dugdale's Orig. 216.

On October 16, 1537, he was made one of the king's serjeants; and fifteen months afterwards was raised, without any intermediate step, to the office of chief justice of the King's Bench on January 21, 1539; receiving at the same time the honour of knighthood. He presided over that Court for nearly seven years, when he was removed on November 6, 1545, to the more profitable but less exalted post of chief justice of the Common Pleas;[1] a change which he is said to have sought, observing "I am now an old man, and love the kitchen before the hall; the warmest place best suiting with my age." That it was not intended as any mark of disfavour by his sovereign, is evidenced by his being selected as one of the sixteen executors of the king's will, in whom were deposited the management of the kingdom during the minority of his infant son.

In the earlier contests for power after Edward's accession, Montagu sided with the Duke of Somerset; but afterwards assisted Dudley Earl of Warwick, in promoting that nobleman's fall. His adherence to the earl, who soon became Duke of Northumberland, eventually led him into a difficulty which was nearly fatal to him. Continuing in his judicial post during the whole of this reign, he had acquired so high a character both for his legal knowledge and his honest principles, that his concurrence was deemed of infinite importance when Northumberland had formed the ambitious project of settling the crown on Lady Jane Grey. Accordingly when the duke had worked up the king to his purpose, Montagu was summoned to court with Sir John Baker, Justice Bromley, and the attorney and solicitor-general, and informed of his Majesty's desire to make such

[1] Lord Campbell says, "He might feel some mortification when he saw Richard Lyster, *whom he had lately snubbed at the bar*, take precedence of him" as chief justice of the King's Bench. Unfortunately for this remark, Lyster had been chief baron of the Exchequer for ten years before Montagu was raised to the bench, and for sixteen years before the period in question.

a disposition. They at once pointed out the illegality of the proceeding, and begged time for consideration. The next day they repeated their objections, and added that it would be high treason, not only in those who prepared such an instrument, but in those who acted under it. The duke on being informed of this resistance burst into the Council Chamber and abused the chief justice most outrageously, calling him traitor and even putting him and Justice Bromley in bodily fear. Two days after a similar scene was acted; but the king commanding Montagu on his allegiance to make quick despatch, he, "being a weak old man and without comfort," at last consented, on receiving a Commission under the Great Seal requiring it to be done, and a general pardon for obeying the injunction.

No sooner had Mary been proclaimed, than Montagu was committed to the Tower, and placed on the list for trial. During his imprisonment, however, he drew up a narrative of all that had occurred, and declared that after he had compulsorily put his name to the articles so prepared, he had "never meddled with the council in anything, nor came amongst them until the the queen's grace was proclaimed;" but that, at his no little cost, his son, by his command, had joined the Buckinghamshire men in defending her. The result was that after six weeks' confinement, he was discharged; his pardon having been granted on payment of a fine of 1000*l.* and the surrender of King Edward's grant to him of lands called Eltyngton, of the yearly value of 50*l.* He also lost his office, which was given to Sir Richard Morgan.[1]

The short remainder of his life he spent at his mansion at Boughton, near Kettering, in hospitality and quiet. He died on February 10, 1557, and was buried at Kettering, under a tomb with an inscription which, if it may be depended

[1] Fuller's Church Hist. ii. 369.; Machyn's Diary, 38. 43.; Lingard, ii. 122.

on more than similar testimonials, must impress the reader with a very high opinion of his character both as a judge and a man. His will, which is dated a few months before his death, contains ample proof of his charitable disposition. It shews also a very large extent of property, devising to his son Edward manors and lands in no less than thirty-two places in four counties; besides his leases, lands, and tenements in the parish of St. Dunstan in the West in London.

He was thrice married. His first wife was Elizabeth daughter of William Lane of Orlingbury, Northamptonshire, by whom he had three sons who all died young, and three daughters. His second wife was daughter of George Kirkham of Warmington in the same county, by whom he had no issue. His third wife Helen, daughter of John Roper, the attorney-general, of Eltham in Kent, produced him five sons and six daughters, and survived him till 1563. From Edward, his eldest son by this last marriage, five peerages trace their descent; two of which still flourish, and three are extinct.

The Dukedom of Manchester and the Earldom of Halifax will be more properly noticed in the account of his third grandson, Sir Henry Montagu, the first Earl of Manchester, who was chief justice under James I.

His eldest grandson, also named Edward, was created Baron Montagu of Boughton, in 1621; and the third baron was advanced in 1689 to the Viscounty of Monthermer and Earldom of Montague, titles which were changed in 1705 to a marquisate of the former name and a dukedom of the latter. The second duke dying in 1749 without male issue, the titles became extinct; but his daughter Mary having married the fourth Earl of Cardigan the barony was revived in their son John, in 1762. The marquisate and dukedom were also granted to the Earl of Cardigan in

1766; to which, in consequence of the death of his son John without issue, was added the barony in 1786, with a special remainder to the second son of his daughter, the wife of Henry third Duke of Buccleuch. The remainder took effect in 1790 on the Duke of Montague's death, without male issue, when the marquisate and dukedom became again extinct. The same fatality attended the barony upon the death of the first holder of it under the provision, leaving only daughters.

The Earldom of Sandwich is derived from Sidney, the chief justice's sixth grandson, whose son, the admiral who brought over King Charles II. at the restoration, was rewarded with this title on July 12, 1670; and it is now held by its seventh representative.[1]

Of the chief justice's family, the following will be noticed in subsequent pages as holding high positions in the law.

1. His grandson, Sir Henry Montagu, first Earl of Manchester, chief justice of the King's Bench in 1616.

2. Edward, second Earl of Manchester, one of the Parliamentary commissioners of the Great Seal in 1643, and again in 1660.

3. William Montagu, a great-grandson of the chief justice, who was chief baron in 1676.

4. James Montagu, a brother of the first Earl of Halifax, who was chief baron in 1722.

PAULET, WILLIAM, Lord St. John of Basing, Earl of Wiltshire, Marquess of Winchester.

Lord Keeper, 1547.

The lordship of Paulet, near Bridgewater in Somersetshire, gave its name to a family which is at least as old as the reign of Henry II. Sir John Paulet, who flourished there

[1] Collins's Peerage, ii. 42.; Tytler's Edw. VI. and Mary, ii. 165.; Lingard, vii. 122.

in that of Richard II., had two sons, Thomas and William. Thomas, who married the heiress of Hinton St. George in Somersetshire, was the ancestor of the present Earl Poulett; and from William descended the Marquess of Winchester. This William was a serjeant-at-law in 3 Henry V.; and his son John marrying one of the co-heiresses of Sir Thomas Poynings, Lord St. John of Basing (the direct descendant from Henry de Port and Adam de Port, justiciers in the reigns of Henry I. and John), that barony fell into abeyance between her and her sisters and their representatives.

The great-grandson of this John Paulet was William, the subject of the present notice. His father, also named John, was an eminent soldier, and was created a knight of the Bath at the marriage of Prince Arthur in 1501. His mother was Elizabeth, daughter of Sir William Paulet of Hinton St. George. He was the eldest of four sons, and was born about the year 1475, if it be true that he lived to his ninety-seventh year.

The history of his early life is limited to the fact that he was a learned and accomplished man, and that he received the honour of knighthood before he was made comptroller of the household by Henry VIII. in 1532; when according to the above account he must have been fifty-seven years of age. Five years afterwards he became treasurer; and on March 9, 1539, was advanced to the baronage by the title of Lord St. John of Basing, not under the abeyance, but by a new patent. On the establishment of the new Court of Wards in 32 Henry VIII., he was the first master appointed, with a salary of 200*l.* a year; and in the thirty-fifth year he was installed a knight of the Garter. He next became great master of the king's household; and the last service he performed to Henry VIII. was in accompanying him on the expedition to France, when he was present at the taking of Boulogne. Of that king's will he was the third-

named of the sixteen executors, and under its provisions one of the privy council of his infant successor.

Of this council he was appointed president when Somerset became protector; and within a few weeks after the accession of Edward VI., the Lord Chancellor Wriothesley being removed from his office, the Great Seal was placed in Lord St. John's hands on March 6, 1547, with the title of lord keeper. It is evident that this was not meant to be a permanent appointment, from the time during which he was to hold it being limited in the first instance to fourteen days, and on two subsequent occasions to defined periods. The protector, however, was so uncertain as to the person with whom he should ultimately entrust it, that Lord St. John retained the possession for more than seven months, when Richard Lord Rich was constituted lord chancellor on October 23.[1] During the time Lord St. John held the seal he still kept his office of master of the household; and he seems to have performed the judicial functions of the Chancery, as bills were addressed to him, as to other keepers, in which he was designated by both titles.

While Somerset retained the ascendancy nothing is heard of Lord St. John; but as soon as the power of the protector seemed to be slipping away from his grasp, the grand master is found on the side of his opponents and assisting in his downfall. The reward of this suppleness was the Earldom of Wiltshire and the office of lord treasurer; both of which were granted in the beginning of 1550. To the former title that of Marquess of Winchester was added in October of the following year; and in little more than a month he presided as lord steward at the trial of the late Protector Somerset. He was one of the twenty-four subscribers to the document prepared by the Duke of Northumberland, undertaking to support the succession of the kingdom on Lady Jane Grey;

[1] Claus. 1 Edw. VI. p. 4. m. 14.

but on the death of King Edward, though acting as lord treasurer he presented the crown to that unfortunate lady, he had the wit very soon to see his dangerous position, and contrived to be one of those lords who met at Baynard's Castle, and caused Queen Mary to be proclaimed. This secured to him a continuance in his office of treasurer for the whole of that reign, during which he is said to have been active in the persecutions which disgraced it. His patent, however, was renewed when Queen Elizabeth succeeded. He lived for nearly thirteen years after that event; and died on March 10, 1572, at the mansion he had erected at Basing in Hampshire, in the church of which parish his remains were interred.

It is not supposed that a man so old as he was could interfere much in politics in the two last reigns; but it is apparent that he must have possessed a wonderfully accommodating spirit to have remained unscathed in such perilous times under four sovereigns, professing alternately different systems of religion. His own solution of the difficulty seems to be the right one. When he was asked how he had attained so great an age, he pleasantly answered: —

> "Late supping I forbear,
> Wine and women I forswear;
> My neck and feet I keep from cold;
> No marvel then that I am old.
> *I am a willow, not an oak;*
> I chide, but never hurt with stroke."

He married two wives. The first was Elizabeth, daughter of Sir William Capel; the second, Winifred, daughter of Sir John Bruges, and widow of Sir William Sackville, chancellor of the Exchequer. By the latter he had no issue, but the former brought him four sons and four daughters. His titles descended in regular succession till the sixth marquess in 1689 was created Duke of Bolton by William

III. The sixth duke dying without male issue in 1794, the dukedom became extinct; but the marquisate devolved on the descendant of a younger son of the fourth marquess, whose grandson now enjoys the title.

The barony of Bolton was granted in 1797 to Thomas Orde, who assumed the name of Paulet, the husband of a natural daughter of the fifth Duke of Bolton, on whom her father's principal possessions were entailed.[1]

PILBOROUGH, JOHN.

B. E. 1547.

See under the Reign of Henry VIII.

JOHN PILBOROUGH, of whose parentage there is no account, was admitted a member of Lincoln's Inn on July 10, 1515, and became reader there in autumn, 1535, and again in Lent, 1543.[2] He was appointed a baron of the Exchequer on November 28, 1545, 37 Henry VIII.[3]; and within a week after the death of that monarch, being still a governor of Lincoln's Inn, he delivered "an ornate oration" to two new-made serjeants of that society. His death occurred in the following year; an event which is noticed by Dugdale, but not his elevation.

He married Elizabeth, one of the six daughters of John Roper, attorney-general to Henry VIII., and was thus the brother-in-law to Chief Justice Sir Edward Montagu, who married Eleanor another daughter. The baron's widow afterwards married Leonard Sanders.[4]

PORTMAN, WILLIAM.

Justr. K. B. 1547.

See under the Reigns of Henry VIII. and Mary.

[1] Dugdale's Baron. i. 376.; Collins's Peerage, ii. 367.; Nicolas' Synopsis; Hayward, Rapin, Lingard, &c.

[2] Dugdale's Orig. 119. 251, 252. [3] Rot. Par. 37 Hen. VIII. p. 17.

[4] Collins's Peerage, vii. 80.; Testam. Vetust. 712.

RICH, RICHARD, LORD RICH.

LORD CHANCELLOR, 1547.

THERE are various accounts of the origin of this family; but there is no doubt it is a very ancient one. One of the earliest of the name is John de Rich, who flourished at Rich's Place in Hampshire in the reign of Edward II. His great-grandson was Richard Rich the father of another Richard, mercer in London, who was sheriff of that city in 1441, and whose will, proved in 1464, shows that he died possessed of large estates in Middlesex and Hertfordshire, and was opulent enough to found five alms-houses at Broxbourne. His second son Thomas had a son Richard, who, by his wife Joan Dingley, was the father of the person now to be noticed.[1]

Richard Rich resided in his youth in the same parish in London where Sir Thomas More dwelt, and, according to the authority of that eminent man, was of no commendable fame, very light of tongue and a great dicer; one with whom neither he nor any man else would ever in any matter of importance vouchsafe to communicate. "And so," More adds, "in your house at the Temple, where hath been your chief bringing up, were you likewise accounted."[2] Assured of the truth of More's representation, it would be curious to discover by what means a character of this stamp pushed himself up so as to become a reader at the Middle Temple, which office he held in autumn, 1529.[3] As his name is not to be discovered in the Year Books or in any other reports, it is difficult otherwise to attribute his advancement to the bench of that society than to the influence of opulent friends, and a mixture of that subtleness and insolence in his bearing which he exhibited in after life.

[1] Wotton's Baronet. iv. 586.; Dugdale's Baron. ii. 387.; Testam. Vetust. 299.

[2] Roper's More (Singer), 82.

[3] Dugdale's Orig. 216.

By what patronage he acquired the office of attorney-general of Wales in 1532 is not told. That of solicitor-general to the king soon followed. His patent for it, in which he is called "gentleman," is dated October 10, 1533; and he held it till April 13, 1536, a period of two years and a half; during which, by his intrigues, his degrading subserviency, and his bold-faced perjury, though he paved the way to worldly honours, he at the same time secured to his name the everlasting infamy that attaches to it. Cunning much less than Rich's would soon discover that his interest lay in gratifying the humours of the king; but it required a hardened conscience to pursue the perfidious course which he adopted to secure the royal favour. The refusal of Sir Thomas More and Bishop Fisher to acknowledge the king's supremacy had irritated the monarch beyond even his usual ferocity, and every attempt had hitherto failed in bringing the two contumacious prisoners within the terms of the recent statute which made it high treason to deny it. Either Rich was sufficiently known to be considered a fitting instrument to make another trial, or he voluntarily undertook the degrading office. The manner in which he acted towards both these good and pious men was exposed on their trials. That of Bishop Fisher came on first; the sole evidence against whom was Mr. Solicitor-General Rich. It was there asserted by the bishop, and not denied, that Rich came to him with a message from the king desiring his real opinion on the disputed point; and that on the bishop's reminding him of the penalty in the new act in case anything was said contrary to that law, Rich assured him on the king's honour and on the word of a king, that no advantage would be taken against him for declaring his secret mind, which he professed that the king was desirous to know for his own guidance in future. To this Rich added his own faithful promise that he would never utter the bishop's words but to the king alone. Com-

pelled thus, as it were by the king's command, the bishop expressed his real sentiments on the statute, and upon these alone, so uttered and so perfidiously betrayed, was the aged bishop most unrighteously condemned. Without charging the witness with perjury (for there is too much reason to believe he was the bearer of such a message from the king), it is difficult to determine where the greater share of infamy rests, on the man who would suffer himself to be made an instrument in so vile a plot, or on the judges who could permit conviction on such evidence.

On the next trial Sir Thomas More directly charged him with perjury in his representation of what passed between them. There it appears that Rich, on going to the Tower to take away Sir Thomas's books, led him under pretence of friendship into an argument, in the course of which, as Rich alleged, Sir Thomas asserted that the parliament had no more power to make the king supreme head of the Church than it had to declare that God was not God. Who will doubt More's asseveration of the falsehood of Rich's evidence? For who can believe that More would be incautious enough, especially to a man of Rich's known character, to betray his sentiments so unreservedly on such an occasion, when he had guardedly concealed them in all the various attempts which persons of high position and ability had previously made to entrap him. Even Rich's impudence must have been daunted before Sir Thomas's exposure of his former life, and his dignified denial of the evidence now offered. The two witnesses called to support Rich's testimony failed to assist him; for though they acknowledged that they were present, they declared that they were too busy in packing the books to give ear to the conversation.[1]

Rich, however, procured what he sought for — his own advancement. In the next year he obtained the valuable

[1] State Trials, i. 387—400.

place of chirographer in the Court of Common Pleas, and resigned the solicitorship for the more dignified and profitable office of chancellor of the Court of Augmentations, then newly established.[1] He did not neglect the opportunity thus obtained of securing to himself an enormous share of the plunder arising from the dissolution of the monasteries. The inquisition of his possessions, taken at his death, proves the immense extent of his acquisitions. One of the earliest and richest was Leeze priory and manor in Essex, which he made his capital seat, and from which he subsequently took his title.[2]

At the new parliament which met on June 8, 1536, he was chosen speaker, and made himself as remarkable for the grossness of his flattery as he had previously done for the baseness of his actions. In his introductory speech he compared the king "for justice and prudence to Solomon, for strength and fortitude to Samson, and for beauty and comeliness to Absalom;" and on another occasion he likened him to the sun, which exhaled all noxious vapours hurtful to us, and cherished those seeds, plants, and fruits necessary for the support of human life: "so," said the obsequious flatterer, "this our most excellent prince takes away by his prudence all those enormities which may hereafter be hurtful to us and our posterity, and enacts such laws as will be a defence to the good, and a great terror to evil doers."[3] He was soon after knighted.

He was a regular attendant at the council; and at one of the meetings in 1541 he was charged by one John Hillary with not doing what pertained to his duty with respect to a supposed concealment by the Abbot of Keynsham of a part of his income; but the unfortunate informer got nothing for his pains but imprisonment in the Marshalsea.[4] He is

[1] St. 27 Hen. VIII., c. 27.
[2] Morant's Essex, ii. 101.
[3] Parl. Hist. i. 529. 534.
[4] Acts Privy Council, vii. 101.

charged also with having assisted Lord Chancellor Wriothesley in working the rack on which poor Anne Askew was stretched; but even prejudice must hesitate to believe this.

In 1544 he resigned the chancellorship of the Court of Augmentations; but in the expedition against Boulogne in that year he accompanied King Henry as treasurer of the army,—an office which he held in Scotland as well as in France,—and he assisted in negotiating the treaty of peace with the French king. Under Henry's will he had a legacy of 200*l.*, and was appointed one of the twelve assistants to the sixteen privy councillors.

On February 15, 1547, about a fortnight after the accession of Edward VI., he and two others were named in a commission to compound with all persons who, possessing forty acres of land, were desirous of being exonerated from taking the order of knighthood according to the statute[1]; and on the next day, in consequence of an asserted promise by the late king, he was created Baron Rich of Leeze in Essex. On Lord Wriothesley's dismissal from the chancellorship on March 6, Rich hoped to supply his place; but the lord protector hesitated for more than half a year as to the choice he should make, leaving the Seal in the meantime in the temporary keeping of Lord St. John. Rich, however, having at last managed to acquire the confidence of Somerset, was invested with the office on October 23.[2] Within two years he turned against the protector, and, joining the Earl of Warwick, headed the subscribers to the proclamation against him. The last public duty he is mentioned as performing was on August 28, 1551, when he went with Sir Anthony Wingfield and Sir William Petre to the Princess Mary at Copped Hall in Essex, to announce to her the determination of the council that private mass should not be performed in her household. She returned a resolute answer,

[1] Rymer, xv. 124.

[2] Claus. 1 Edw. VI., p. 4. m. 14.

declaring that none of the new service should be used in her house.[1]

Very shortly after this, there are two entries in King Edward's journal which, though subsequently erased by his own pen, show the commencement of doubt and uneasiness on the part of Rich. On October 1, the king mentions that the chancellor had sent back a letter for the execution of the commission against the Bishops of Chichester and Worcester, because but eight members of the Council had signed it, though ten were present; whereupon his Majesty wrote a letter to Rich marvelling at his refusal.[2] In less than three months Lord Rich resigned his office. By an entry in the journal the king attributes his retirement to illness; and there is no doubt that in the previous year he had been so incapacitated by sickness, that a commission had been issued to the master of the Rolls, two judges, and some masters in Chancery, to hear causes for him.[3] Hayward, however, gives a different version. He suggests that a wish to keep the "fair estate" he had got, and his desire to avoid the troubles he foresaw in the coming parliament, made him petition for his discharge on account of his infirmities.[4] Heylin's explanation of the occurrence is more curious. "It so happened," he says, "that the Lord Chancellor commiserating the condition of the Duke of Somerset," who had been committed to the Tower on his second disgrace in October, "though formerly he had shewed himself against him, dispatched a letter to him, concerning some proceedings of the Lords of the Council which he thought fit for him to know. Which letter, being hastily superscribed 'To the Duke,' with no other title, he gave to one of his servants, to be carried to him. By whom, for the want of a more particular direction, it was delivered to the hands of the Duke

[1] Archæologia, xviii. 161.
[2] Cal. State Papers (Lemon), 35.
[3] Rymer, xv. 246.
[4] Kennet's Hist. ii. 323.

of Norfolk. But, the mistake being presently found, the Lord Chancellor, knowing into what hands he was like to fall, makes his address unto the king the next morning betimes, and humbly prays that in regard to his great age, he might be discharged of the Seal and office of Chancellor."[1]

Whatever be the true history, the king evidently at that time believed in his illness, and on December 21, 1551, sent the lord treasurer and two other great officers of the household to Lord Rich's house in Great St. Bartholomew's, where the Seal was delivered into their hands.[2] On the next day it was given to Bishop Goodrich, who was then constituted lord keeper only, his Majesty stating expressly that he was "to be the keeper thereof during the Lord Rich's sickness." When the bishop was invested on the 19th of the following month with the full title of chancellor, the only reason given by Edward in his journal is, "because as custos sigilli he could execute nothing in the Parliament that should be done, but only to seal ordinary things."[3] The inadequacy of this pretence gives probability to the supposition that there was some other cause which the council thought fit to conceal from the king; and this cause might very naturally have been the exposure in the interval of the unlucky mistake in the address of the letter to the duke.

Lord Rich did not wholly retire from political life, nor could he refrain from joining in the closing plot of the reign. He protested in the parliament of 1553 against a bill for the regulation of the revenue[4]; and he not only witnessed the king's will and subscribed the undertaking to support its provisions, which altered the succession of the crown and settled it on Lady Jane Grey, but he also gave such prominent aid to the project as to induce the lords of the council to address a letter of thanks to him for his services.[5]

[1] Robertson's Heylin, i. 251.
[2] Claus. 5 Edw. VI., p. 5.
[3] Burnet's Reform. ii. pt. ii. 43. 45.
[4] Parl. Hist. i. 600.
[5] Lingard, vii. 103. 120.

By a timely desertion of the party, he escaped the immediate consequences; and he probably obtained favour with Queen Mary by his profession of the Roman Catholic faith. In a month after she was proclaimed, he was nominated as one of the council to attend at a sermon preached at St. Paul's Cross, when a tumult was apprehended[1], and was actually summoned among the twenty-five peers appointed to try the Duke of Northumberland for the crime in which he himself had participated.[2] He formed part of the commission for deciding on the claims to do service at the queen's coronation[3]; and his name was frequently placed at the head of the commissions in his county for trying heretics, at the cruel execution of some of whom he was directed to be present.[4]

During the ten years that he lived under the reign of Queen Elizabeth, little is told of him, except that in the first year he voted against the new book of common prayer, and that in 1566 he was one of the committee of Lords appointed to confer with the Commons on the subject of the queen's marriage.[5]

He survived nearly seventeen years after his retirement from the chancellorship, and employed himself in several charitable works in the neighbourhood of his mansion. He built the tower-steeple of Rochford church from the ground, and founded and endowed a free school and an almshouse at Felsted. Dying about May, 1568, he was buried in the church of the latter parish.

By his wife Elizabeth, sister of William Jenks of London, grocer, he had a very numerous family. He was succeeded in the title by his eldest son Robert, whose son, also Robert, was created in 1618 Earl of Warwick. The Earl's second

[1] Robertson's Heylin, ii. 93.
[2] 4 Report Pub. Rec., App. ii. 234.
[3] Rymer, xv. 338.
[4] Archæologia, xviii. 181.
[5] Parl. Hist. 607. 703.

son was advanced to the peerage in 1622 as Baron Kensington, to which was added the Earldom of Holland in 1624; and the fourth Earl of Warwick dying in 1673 without issue, the two titles were united by that of Warwick devolving on the second Earl of Holland. Both, however, became extinct on the death of the eighth Earl of Warwick without male heirs in 1759.

Charles, a junior descendant from the second Lord Rich, was created a baronet in January, 1676, with a special remainder to his son-in-law. This title also expired in May, 1785, by the death of the fifth baronet without male issue; but his daughter's husband assuming the name, it was revived in him in July, 1791, and his son now holds it.[1]

ST. JOHN OF BASING, LORD. *See* W. PAULET.

SAXILBY, EDWARD.

B. E. 1549.

See under the Reigns of Mary and Elizabeth.

SHELLEY, WILLIAM.

JUST. C. P. 1547.

See under the Reign of Henry VIII.

THIS ancient family is of Norman extraction. One of its members accompanied William the Conqueror in his expedition against England; and many of his name and lineage have since distinguished themselves in parliamentary and diplomatic services. Doubts exist as to the precise branch to which the judge belonged, but he is claimed, and apparently on valid grounds, as the ancestor of the baronet of Michelgrove. If this be so, his grandfather was John Shelley, member for Rye from 1415 to 1423, and his father, another John, married Elizabeth, daughter and heir of John

[1] Wotton's Baronet. iv. 586.; Nicolas's Synopsis.

Michelgrove, of Michelgrove in Sussex.[1] He was the second son; and after studying the law at the Inner Temple, he was appointed reader there in autumn, 1517, but was prevented from reading by the sweating sickness that then raged. At that time he was one of the judges of the Sheriff's Court in London, from which office he was raised to the recordership of that city in 1520, on the elevation of Richard Brooke to the bench; and three years afterwards he was elected one of its representatives in parliament.[2] He took the degree of the coif in 1521, and was promoted to be a judge of the Common Pleas about the beginning of 1527, the first fine levied before him being dated on the octave of Hilary in that year, 18 Henry VIII.[3], while in the previous November he had certified as serjeant at law the surrender by the dean and chapter of Chichester of certain monastic property for the use of Cardinal College at Oxford.[4]

Soon after Wolsey's disgrace, Judge Shelley was selected to apply to him for York House, the London residence of the Archbishops of York, to which the king had taken a great fancy. The cardinal, objecting that it was not his to give, as he was only tenant for life, Shelley informed him that all the judges and learned counsel were resolved that his Grace might make a recognizance thereof to the king, which would be a sufficient surrender. "Tell his Highness," answered the cardinal, "that I am his most faithful subject and obedient beadsman, whose command I will in nowise disobey, but will in all things fulfil his pleasure, as you the fathers of the law say I may. Therefore I charge your conscience to discharge me, and shew his Highness from me that I must desire his Majesty to remember, there is both Heaven and Hell." He then executed the instrument[5]; and

[1] Horsfield's Hist. of Lewes, ii. 176.; Wotton's Baronet. i. 59.
[2] City List of Recorders.
[3] Dugdale's Orig. 47. 163.; Chron. Ser.
[4] Rymer, xiv. 181, 182.
[5] Cavendish's Wolsey (1706), 155.

York House changed its name to Whitehall. It was probably soon after performing this service that Shelley had the honour of entertaining the king at Michelgrove.[1] He was sometimes called upon to act in his own county, as appears by a requisition of the Council in April, 1541, directing him to call before him one Sir Geoffrey Poole, for assaulting and hurting the parson of Racton.[2]

The judge seems to have been somewhat of a humourist on the bench. In a case which he thought overlaboured beyond its merits, he "compared it to a Banbury cheese, which is worth little in substance when the parings are cut off; for so this case" said he, "is brief, if the superfluous trifling which is on the pleadings be taken away."[3] He was continued in his place on the accession of Edward VI.; and his death occurred between November 3, 1548 (the date of his last fine), and May 10, 1549, when his successor was appointed.

His property was greatly increased by his marriage with Alice the daughter of Sir Henry Belknap, grandson of the chief justice in the reign of Richard II. They had several children, one of whom was Sir Richard Shelley the last English prior of St. John of Jerusalem. From their eldest son descended John Shelley of Michelgrove, who was one of the first baronets created by James I. on May 22, 1611. The present baronet is only the seventh possessor of that title.

The baronetcy of Shelley of Castle Goring in Sussex was granted in 1806 to Bysshe Shelley, Esq., the descendant of a younger brother of the judge. He was grandfather of the eminent poet of that name, who was unfortunately drowned during his father's life, and whose son now enjoys the title. The second son of the first Bysshe Shelley inheriting the

[1] Gent. Mag. lv. 713.
[2] Acts Privy Council, vii. 171.
[3] Dyer's Reports, i. 42. b.

estates of his mother the grand-daughter of Robert fourth Earl of Leicester, assumed her maiden name of Sidney and was created a baronet (of Penshurst Place, Kent) on December 12, 1818; and his son having married the Lady Sophia Fitz-Clarence, was raised to the peerage on January 13, 1835, as Baron de L'Isle and Dudley.

SOUTHAMPTON, Earl of. *See* T. Wriothesley.

SOUTHWELL, ROBERT.

M. R. 1547.

See under the Reign of Henry VIII.

Of this family, which took its name from the town of Southwell in Nottinghamshire, records exist as ancient as the reign of Edward I. Its branches were distributed over different counties, one of which was established at Felix Hall in Essex. John Southwell of that place was representative in parliament of the borough of Lewes in 28 Henry VI. His grandson Richard, of Woodrising in Norfolk, was father of Francis, auditor of the Exchequer to Henry VIII., who by his wife Dorothy, daughter and heir of William Tendring, Esq., had four sons, the eldest of whom was Sir Richard Southwell, privy councillor to Henry VIII. and his successors, and ancestor of the present Baroness de Clifford.[1]

The second son was Robert Southwell, who was brought up to the law, and after studying at the Middle Temple became reader there in autumn, 1540.[2] His connection with the court at this time is evidenced by several entries in the books of the Privy Council. In October he was employed to inquire into a riot in the county of Surrey; in January, 1541, he is mentioned as one of the masters of the Court of Requests, and as directed to search the coffers of one Mason, apprehended for some offence, and to provide him with bed-

[1] Collins's Peerage, vi. 537.

[2] Dugdale's Orig. 216.

ding &c. in the Tower; and in April he was joined with the president and council of the North in a commission of Oyer and Terminer. On July 1 in that year he received the appointment of master of the Rolls, vacant by the death of Sir Christopher Hales, and was thereupon knighted. In the following November he was engaged as one of the king's commissioners at Calais; and his opinion on the subject of his mission was read to the council.[1]

Beyond commissions granted to him and other masters in Chancery in aid of Lord Wriothesley in 1544 and 1547, and of Lord Rich in 1550, no account remains of the exercise of his judicial functions. It is known that he benefited largely in the distribution of the estates belonging to the suppressed monasteries, among which he had a grant of Bermondsey Abbey and erected a capital mansion on its site.[2]

In December, 1550, he surrendered his patent of master of the Rolls[3], and retired to his estate at Jote's Place in the parish of Mereworth in Kent, which he acquired by his marriage with Margaret, daughter and heir of Thomas Nevill a younger son of George, Lord Bergavenny. He was sheriff of that county on the accession of Queen Mary, and signalized himself in the suppression of Wyat's rebellion. For his good services on this occasion he was rewarded with the manor of Aylesford, forfeited by this foolish adventurer.[4] Burnet and Carte have confounded him with his brother Sir Richard.

His death occurred in November, 1559; and the heraldic honours of his funeral in Kent are recorded in Henry Machyn's Diary, p. 217. His portrait, in the possession of Lord Clifford, is said to have been drawn by Hans Holbein

[1] Acts Privy Council, vii. 74. 118. 167. 266.; Pat. 33 Hen. VIII., p. 1. m. 28.

[2] Phillips's Hist. of Bermondsey, 6. [3] Pat. 4 Edw. VI., p. 6. m. 24.

[4] Chron. of Qu. Jane and Qu. Mary, 45.; Hasted's Kent, iv. 426., v. 83.

at one sitting. His wife survived him for sixteen years, and married William Plumb, Esq.[1]

Lord Viscount Southwell in the peerage of Ireland is descended from another son of John the member for Lewes and ancestor of Sir Robert.

WILTSHIRE, Earl of. *See* W. Paulet.

WINCHESTER, Marquess of. *See* W. Paulet.

WRIOTHESLEY, THOMAS; Lord Wriothesley, Earl of Southampton.

Lord Chancellor 1547.

See under the Reign of Henry VIII.

Thomas Wriothesley or, as it is sometimes written, Wrythe, Wrys, and Wryseley, belonged to a family of heralds. His grandfather Sir John, first noticed as Faucon herald, was advanced successively in the reign of Edward IV. to the offices of Norroy and Garter king at arms. Both the sons of Sir John were brought up to the same study, —the elder, Thomas, becoming Garter, and the younger, William, being York herald. In 1549 and 1555, the office of Windsor herald was held by Charles Wriothesley[2], who was probably the son of Thomas, Garter; so that the family did not desert the profession which had raised it, even after one of its members had been elevated to the peerage.

The future chancellor, who was the son of William Wriothesley, York herald, was born at Garter Court in Barbican, and educated at St. John's College, Cambridge.[3] In 1529 he appears in the position of clerk to the cofferer of the Household[4]; and in 1530 he obtained the place of clerk to the Signet under Henry VIII.; and it was probably in the lat-

[1] Lodge's Peerage of Ireland, by Archdall, vi. 5.
[2] Rymer, xv. 187. 423.
[3] Fuller's Worthies, ii. 70.
[4] Trevelyan Papers, 160.

ter character that he accompanied Mr. Brereton, one of the gentlemen of the Privy Chamber, on a message from the king to Wolsey at Southwell, when Cavendish intimates that they were not friends to the cardinal and disdainfully accepted his reward.[1] According to Dugdale he was entered at Gray's Inn in 1534; but he does not appear to have taken any office in that society, nor does his name occur in any law report. In 1537, however, he was appointed coroner and attorney in the Court of Common Pleas; and in 1538 he was placed in the responsible post of one of the king's secretaries, and knighted.

Attached to the principles of the old religion, he had already secretly favoured those who were devoted to it, by changing the rigours with which the Friars Observants were pursued, into banishment from our shores. Yet he so accommodated himself to the king's caprices, that he was employed on several important missions, one of which was the negotiation of a treaty of marriage between Henry and Christiana, Duchess of Milan, the second daughter of the King of Denmark, in which he failed.[2] He was afterwards one of the special council assigned to receive the declaration of Anne of Cleves, by which she abandoned her matrimonial rights.[3]

At a meeting of the council in 1540, where Wriothesley was a constant attendant, one Walter Chaundeler, of the city of Winchester, who had exhibited a bill of complaint accusing him of having extorted from the petitioner certain manors in Hampshire without paying for them, was called upon to prove his allegations, but failing to do so was, "at the request of the said Sir Thomas, because he would have his honesty clearly tried and the falsehood of Chaundeler to appear," allowed another day "to bring forth what he could."

[1] Wordsworth's Eccles. Biog. i. 599.
[2] Kennet's Hist. ii. 214.
[3] Kal. of Exch. i., Introd. cii.

On that day the council found the complaint to be "false, untrue, and slanderous," and adjudged Chaundeler to acknowledge the fair dealing of the secretary, and to ask his forgiveness before the council, and then to publish the same in such places in the county where he had "before misreported and spoken evil of the said Mr. Secretary."[1] Considering the nature of the offence, and the high station held by the party maligned, the light punishment inflicted raises a suspicion that the conduct of Wriothesley was not quite satisfactory to his brethren of the council.

Whatever was the real fact, it did not interfere with his advancement. In the same year he was made constable of Southampton Castle, and two years afterwards of that of Porchester; and to these honourable appointments was added the profitable one of chamberlain of the Exchequer. In 1545 he acted as one of the commissioners for managing the treaty of league with the Emperor Charles, and on January 1, 1544, was raised to the peerage by the title of Baron Wriothesley of Tichfield in Hants, the monastery of which had been granted to him. The sickness of Lord Audley quickly following, the Great Seal was placed in Wriothesley's hands on April 22 as keeper, — a title which was changed on May 3 to that of lord chancellor, on Audley's death.[2] Before the end of the year, he was installed a knight of the Garter.

The change from Lord Chancellor Audley to Lord Chancellor Wriothesley was a fatal one to many of those who were proselytes to the new religious tenets. The king having publicly exhibited his own sentiments, by passing the act of the Six Articles, Wriothesley, always a secret supporter of these extreme doctrines, now pursued to extremity those who impugned them. His zeal even attempted to prejudice

[1] Acts Privy Council, vii. 90. 101.

[2] Rot. Claus. 36 Hen. VII., p. 1. n. 3.

the king against his new wife Catherine Parr, whose attachment to the reformed opinions he dreaded as dangerous to himself, and whose imprudence in disputing on the subject with her opinionative husband gave him too easy a handle. Had it not been for her ready wit, she would perhaps have followed her predecessors to the scaffold; but by an artful submission, she foiled her malicious foe, who, having prepared articles against her, when he came to take her into custody, instead of receiving his intended victim, was met by reproaches from her pacified lord.[1] Connected with this was the charge against Anne Askew, for the purpose of obtaining from whom matter to implicate the queen, Wriothesley is (perhaps wrongfully) accused of having himself applied the torture, when the common executioner appeared to compassionate the sufferer.[2]

By the will of Henry VIII., Lord Wriothesley (with a legacy of 500*l.*) was made one of the sixteen executors of it, and "Councillors of the Privy Council with our son Edward, both in his private and public affairs."[3] Immediately after the accession of Edward VI. the Earl of Hertford, the king's uncle, was appointed protector of the realm and guardian of the king's person, notwithstanding the warm opposition of Wriothesley, who contended that under the will all the executors were invested with equal power. His resistance was the more earnest because Hertford was a known supporter of the new doctrines; but he was quieted by being elevated within three weeks of the king's death to the Earldom of Southampton, and by having an additional income granted to him for the support of his new dignity. This title had not been long extinct; and it is curious that the late earl, the great naval commander, left Wriothesley by his will the best of his gilt cups.[4]

[1] Kennet's Hist. ii. 263.
[2] Lingard, vi. 353.
[3] Testam. Vetust. 41.
[4] Ibid. 708.

At the same time the Earl of Hertford became Duke of Somerset.

The majority of the council of regency were reformers. Wriothesley was imperious and dogmatical, and so troublesome in his intercourse with his brethren, that every endeavour might be expected to put an end to his power. By his own inadvertence he soon gave them an opportunity. On Feb. 18 he put the Great Seal to a commission, empowering the master of the Rolls and three masters in Chancery to hear causes and pronounce decrees in his absence. Although this was a mere renewal of a commission issued to the same parties for the same purpose in 1544, it was immediately seized hold of as an illegal act, inasmuch as he had no license for it, either from the king or the regency, while for the former he had the late king's authority. The judges, who were formally appealed to, gave this as their decision, and that the offence was punishable with the loss of office and fine and imprisonment at the king's pleasure. The council hastened to act on this opinion; and after an ineffectual resistance, Wriothesley was obliged on March 6, 1547, to give up the Seal to Lord St. John[1], and to remain a prisoner in his house in Ely Place, till June 29, when he was discharged on entering into a bond to pay any fine the king might impose upon him.

Though thus deprived of his office, he was not excluded from the council; but, cautioned by what had passed, and intimidated by the severity with which Somerset enforced his absolute sway, he was obliged to submit to those active measures, so repugnant to his known sentiments, by which the Reformation was advanced. The protector's turn of unpopularity at length arrived; and Wriothesley, as might be expected, joined the Earl of Warwick in the proceedings which hastened Somerset's ruin. The satisfaction of his

[1] Rot. Claus. 1 Edw. VI., p. 4. n. 35. m. 14.

revenge, however, was unaccompanied by any restoration of his own power; for Warwick as well as Somerset looked with suspicion on his intriguing spirit, and passed him over in the distribution of office. Wriothesley withdrew from the court a disappointed man; and within a few months his vexation at the slight thus put upon him produced the illness which terminated in his death. That event occurred on July 30, 1550, at his house in Holborn, then called Lincoln Place, but afterwards from him Southampton House, and now partly covered by the offices of the masters in Chancery. He was buried in St. Andrew's church; but his body was removed thence to a chapel in the parish church of Tichfield, where a sumptuous monument still exists.

Few persons who have held a prominent position in the state have had so little said to their credit as Wriothesley, Earl of Southampton. He seems to have been looked upon as haughty towards his inferiors, and slavishly subservient to those who were above him. When advanced to high office, his conceited opinion of his own superiority made him treat with disdain those who differed from him; and this disposition operated with peculiar force against those who advocated the reformed doctrines. His severity and cruelty towards them, even if they could be ascribed to the dictates of his conscience, necessarily raised a prejudice against him in all moderate minds; and not having the wisdom to modify his views where he must have seen that his party was powerless, the majority of the council risked no loss of popularity by silencing so intractable a member of their body. Though devotedly attached to the Romish religion, he showed no scruples in sharing the plunder arising from its destruction, and not only enriched himself with grants from King Henry, but even accepted others from the council that was planning his disgrace.

By his wife Jane the heiress of William Cheney, he had

one son and five daughters. His titles were held after him by three succeeding generations, when they all became extinct, together with the Earldom of Chichester, which the fourth Earl of Southampton had acquired by a special remainder, on the death of that nobleman in 1667 with no other issue than Rachel his daughter and heiress, whose name has been handed down to us as the devoted wife of the illustrious but unfortunate William, Lord Russell, and as the author of letters which still continue to delight all virtuous minds.[1]

[1] Dugdale's Baron. ii. 383.; Hayward; Rapin; Lingard.

MARY.

Reigned 5 years, 4 months, and 11 days; from July 6, 1553, to November 17, 1558.

SURVEY OF THE REIGN.

THE short reign of Queen Jane, a "nine days' wonder," though filling many a melancholy page in the history of England, furnishes no materials for its legal annals. Its whole term was excluded from the records of the kingdom; and the accession of Queen Mary was reckoned from the day of the death of Edward VI. After her marriage with Philip of Spain, two dates were given to the regnal years, the first applying to the king, and the second to the queen; and as the union between them took place only a few days after the commencement of her second year, the acts of state of that year were dated 1 and 2 Philip and Mary; and those of the succeeding years in the same manner. In the following pages, however, it has been deemed better for the facility of reference, to attach the years of the queen's reign only to the lists they contain, without adding those of King Philip.

Two incidents worthy of notice in legal history occurred during the negotiations for this marriage. So general was the public aversion to the connection, that "Wyatt's rebellion," organized for the purpose of preventing it, had at one time been well nigh successful. His followers on their approach to London had been augmented by such numbers

that a universal consternation prevailed in the metropolis. "Most of the householders with the maior and aldermen were in harnesse; yea, this day and other days, the justices, serjeants at the law, and other lawyers in Westminster Hall, pleaded in harnesse."[1] And the trial of Sir Nicholas Throckmorton for complicity in the plot affords at once a solitary instance, in Mary's reign, of a state prisoner being acquitted by the verdict of a jury, and the first recorded example of jurors being punished for the honest discharge of their duty.

Previously to this time the judges rode to Westminster Hall on mules; but Mr. Justice Whyddon, appointed a judge in 1 Mary, began his career by riding there on a horse or gelding.[2]

In the year previous to Mary's death there was so little work in Westminster Hall "that at the King's Bench bar there attended but one man of law, called Foster, and but one serjeant only, called Bouloise [Bendlowes?] of the Common Pleas,—both having little more to do than to look about them, and the judges not much more to do than the lawyers had." Heylin adds, "Certainly that great leisure which the lawyers found for doing nothing proceeded rather from the noise of the wars, in which the voice of the law cannot easily be heard, than from the quietness and disposition of the times, in which the number both of suits and pleaders had been much increased, as may be gathered from the words of Heiwood, the old epigrammatist, and one much made of by the queen, who being told of the great number of lawyers, and that the number of them would impoverish the whole profession, made answer, 'No, for that always the more spaniels there were in the field, the more was the game.'"[3]

[1] Stow's Chron. 619.
[2] Robertson's Heylin, ii. 218.
[3] Dugdale's Orig. 38.

LORD CHANCELLORS.

During the nine days' reign of Lady Jane Grey, Bishop Goodrich acted as chancellor; but immediately on the acknowledgment of Queen Mary he gave up the Great Seal, which was placed in the hands of

STEPHEN GARDINER, Bishop of Winchester, on August 23, 1553[1], who held it as chancellor till his death on November 12, 1555. On the next day a commission was issued authorizing

SIR NICHOLAS HARE, the master of the Rolls, to hear and determine all suits in Chancery &c., in like manner as the chancellor of England might do.[2] This continued, the Seal in the meantime being in the queen's possession, till

NICHOLAS HEATH, Archbishop of York, was appointed chancellor on January 1, 1556[3]; and he continued in office till the demise of the queen on November 17, 1558.

Bishop Gardiner was of opinion that his title of chancellor was derived *à cancellando;* for by the Lords' Journals it appears that on a bill being brought from the Commons with certain lines in it which they had accidentally omitted to rase out, the bishop, "in the sight of all the Lords, with a knife cut them, saying these words, 'I now do rightly the office of a chancellor.'"[4]

MASTERS OF THE ROLLS.

SIR ROBERT BOWES, the master of the Rolls at the time of King Edward's death, resigned his patent two months after that event.

SIR NICHOLAS HARE received the appointment on September 18, 1553, and held it till his death on October 31, 1557.

[1] Claus. 1 Mary, p. 7, 8.
[2] Rymer, xv. 426.
[3] Claus. 2 & 3 Ph. Mar., p. 11. m. 3.
[4] Hardy's Intr. to Close Rolls, 49.

WILLIAM CORDELL was nominated on November 5[1], and retained his place during the rest of the reign.

By several reports in Dyer, Sir Nicholas Hare seems often to have sat with the judges, and to have given opinions apparently in the Exchequer Chamber; and he was a commissioner on many of the state trials.

MASTERS IN CHANCERY.

Sir Robert Bowes, M. R.	1	Mary.
Sir Nicholas Hare, M. R.	1 to 5	—
Anthony Bellasis, LL.D., Archdeacon of Colchester	1	—
John Croke, LL.D.	1-2	—
Sir Richard Read, LL.D.	1 to 6	—
Richard Lyell, LL.D.	1	—
David Lewes, LL.D.	?	—
Sir William Cordell, M. R.	5-6	—
William Awbrey, LL.D.	?	—
William Mowse, LL.D.	?	—

Master Croke made a report on the constitution of the court, which is preserved among the Lansdowne MSS. (No. 163. fo. 141.), entitled "Ordinances explained by Master Croke, upon the estate of the Chauncery Court in 1554." In it he states the officers to be, "the Clarke of the Crown; the Prothonotary; the xii. Masters of the Chancery, in which number the Master of the Rolls is one, and the Prothonotary is another; the vi. Clarkes being attorneys oneley in the Chancery and writing in the Master of the Rolles his name; the iii. Clarkes of the Petty Bagge and two Examiners, writing in the Master of the Rolles his name. One other the Master of the Rolles Clarke in his household; xii. Bowgiers of old tyme, of which Number the Clarke of the Crowne was one and chief; twelve Curcisters; likewise there were

[1] Pat. 4 & 5 Ph. and Mar., p. 7.

iii. or iiii. Clarkes of the Aumore (Almonry) at meat and at drinke in the Lo. Chauncelor's howse, which for their diett serued the poore suitors with their process without fee."

"The Clarke of the Crowne, the six Clarkes, and the Clarkes of the Petty Bagge, were never stinted to any number of Clarkes, for ii. causes. One was for and in consideration of bringing up of youth, and the other more special for the redy dispatch of the King's business and his subjects."

With respect to the chancellor's table he says, "The Lord Chauncelor hath his diett out of the hanaper towards such charges as he is and was wont to be at, of which charges *some be now out of use*, as to have in Terme tyme such Masters of the Chauncery as would come to his house, to be at his table, and a Chauncery table in the hall for their Clarkes."

"The Clarke of the Crowne, the Clarke of the Hanaper, and the Riding Clarke, have allowance for their chambers and diett in the Lord Chauncellor's house, for themselves or their deputies, one Clarke and one horsekeeper a peece; the Serjeant at Arms and one servant; the sealer and the chafer of waxe: and all theis, except the Clarke of the Hanaper, have allowance for their horses when the Lord Chauncelor doth jorney, and not otherwise. The Clarke of the Hanaper hath his allowance for horse-meat in letters patent."

This report shows that the increase from twenty marks [1] to twenty pounds as the value of the benefices to which the chancellor had the right to present, was an encroachment of Cardinal Wolsey. It says, "The guifte of benefice of the king's patronage of xx.li and under be in the distribucon of the Lord Chauncelor, the old rate xx. marks, but because the cardinal being Lord Chauncelor did present in the King's name his clarks to Benefices of twenty pounds by yeare, all

[1] See Vol. III. p. 334.

Lord Chauncelors since have done likewise, and soe may doe justly because they have the office in tam amplis modo et forma."

Master Croke in his report proceeds to detail all the duties that attach to the several officers.[1]

Chief Justices of the Queen's Bench.

Sir Roger Cholmley, the chief justice at the death of Edward VI., having been in some measure implicated in the attempt to raise Lady Jane Grey to the throne, was not allowed to resume his place on the accession. It was supplied by

Sir Thomas Bromley, one of the judges of the court, who was raised to its head on October 4, 1553. He was succeeded by

Sir William Portman, another judge of this court, on June 11, 1555; on whose death

Sir Edward Saunders, a judge of the Common Pleas, was made chief justice of the Queen's Bench on May 8, 1557, and so continued till the end of the reign.

Judges of the Queen's Bench.

Of the three puisne judges of the King's Bench at the close of Edward's reign, Thomas Bromley was made chief justice by Queen Mary; the other two were re-appointed, viz.—

I. 1553.	July.	Edmund Mervin, William Portman.
	Oct. 4.	John Whyddon, vice ? E. Mervin.
III. 1556.	Jan. ?	William Dalison[2], vice W. Portman.

[1] Geneal. Hist. of Croke Fam. 819.

[2] Dugdale omits Dalison; but his appointment in or before Hilary, 2 & 3 Ph. and Mar., is proved by Dyer's Reports of that Term, and by the proceedings preserved in the Baga de Secretis, 4 Report Pub. Rec., App. ii. 255.

V. 1558.	Jan 23.	Francis Morgan.
	April 23.	James Dyer, *pro tempore*.[1]
VI.	Oct. 27.	William Rastall, vice F. Morgan.

The four judges of this court on the decease of Mary were

Sir Edward Saunders, chief justice,
John Whyddon, " William Dalison,
William Rastall.

CHIEF JUSTICES OF THE COMMON PLEAS.

Chief Justice Sir Edward Montagu also lost his seat for assisting in the preparation of King Edward's will. His place was given to

RICHARD MORGAN, serjeant at law, on September 5, 1553, who was removed before his death, and replaced by

SIR ROBERT BROOK, recorder of London, on October 8, 1554. At Sir Robert's death

ANTHONY BROWNE, serjeant at law, was appointed on October 5, 1558, six weeks before the queen's decease.

JUDGES OF THE COMMON PLEAS.

The death of William Coke soon after the accession of Queen Mary, left two judges only of the Common Pleas, who were re-appointed; viz.—

I. 1553.	July.	Humphrey Browne,
		James Hales.
	Oct. 4.	Edward Saunders, vice W. Coke.
II. 1554.	?Oct.	William Staunford, vice J. Hales.
IV. 1557.	May 8.	James Dyer, vice E. Saunders.
VI. 1558.	Oct. 28.	Robert Catlin, vice W. Staunford.

This court at the end of the reign consisted of

Anthony Browne, chief justice,
Humphrey Browne, James Dyer,
Robert Catlin.

[1] This was during the illness of Justice Morgan.— *Dyer*, 158.

Chief Barons of the Exchequer.

Sir Henry Bradshaw, chief baron of the Exchequer at the end of Edward's reign, dying soon after the accession of Mary,

David Brook, one of the late king's serjeants, received a patent for the office on September 1, 1553, and retained it till his death, when

Clement Heigham was appointed on March 2, 1558, little more than eight months before the death of the queen.

Barons of the Exchequer.

I. 1553. July. Nicholas Luke, Edward Saxilby, Robert Brown, } The barons at Edward's death, received new patents.

No other change took place in the court under Mary, at whose demise it consisted of

Clement Heigham, chief baron,
Nicholas Luke, Edward Saxilby,
Robert Brown.

The puisne barons had not yet advanced to the same grade as the other judges. Their servants had no liveries allowed them at the serjeants' feasts; and the rings given to them were of the value of 14*s.* only, while those presented to the judges were 16*s.* each.[1]

Table of the Chancellors and Masters of the Rolls.

A.R.	A.D.	Lord Chancellors.	Masters of the Rolls.
1	1553, July		Sir Robert Bowes.
	Aug. 23	Stephen Gardiner, Bishop of Winchester	—
	Sept. 18	—	Sir Nicholas Hare
3	1555, Nov. 18	died	—
	1556, Jan. 1	Nicholas Heath, Archbishop of York	—
5	1557, Nov. 5	—	Sir William Cordell.

[1] Dugdale's Orig. 129, 130.

TABLE OF THE CHIEF JUSTICES AND JUDGES OF THE QUEEN'S BENCH.

A.R.	A.D.	Chief Justices.	Judges of the Queen's Bench.		
1	1553, July		Edmund Mervin	William Portman	
	Oct. 4	Thomas Bromley	John Whyddon	—	
2	1555, June 11	William Portman	—	made Ch. J.	
3	1556, ? Jan.	—	—	William Dallison	
4	1557, May 8	Edward Saunders	—	—	
5	1558, Jan. 23	—	—	—	Francis Morgan.
	April 23	—	—	—	James Dyer, *pro tcmp.*
6	Oct. 27	—	—	—	William Rastall.

TABLE OF THE CHIEF JUSTICES AND JUDGES OF THE COMMON PLEAS.

A.R.	A.D.	Chief Justices.	Judges of the Common Pleas.		
1	1553, July		HumphreyBrowne	James Hales	
	Sept. 5	Richard Morgan	—	—	
	Oct. 4	—	—	—	Edward Saunders.
2	1554, Oct. 8	Robert Brooke	—	William Staunford	—
4	1557, May 8	—	—	—	James Dyer.
6	1558, Oct. 5	Anthony Browne	—	—	—
	27	—	—	Robert Catlin	—

TABLE OF THE CHIEF BARONS AND BARONS OF THE EXCHEQUER.

A.R.	A.D.	Chief Barons.	Barons of the Exchequer.		
1	1553, July		Nicholas Luke	Edward Saxilby	Robert Brown.
	Sept. 1	David Brook	—	—	—
5	1558, Mar. 2	Clement Heigham	—	—	—

ATTORNEY-GENERAL.

I. 1553. July. Edward Griffin, who had held the office for the last year of Edward's reign, continued attorney-general during the whole of Mary's.

SOLICITOR-GENERAL.

I. 1553. Sept. 30. William Cordell was substituted for John Gosnold the solicitor-general under Edward; and on his being made master of the Rolls,

V. 1557. Nov. 20. Richard Weston succeeded.

Serjeants at Law.

The initials show the inn of Court to which they belonged; and the * is added to those who became judges.

III. 1555. John Caryl, George Seintpoll,
John Prideaux (I.), William Bendlowes (L.),
George Wood, George Brown,
* Francis Morgan (M.), John Walpole (G.),
* Robert Catlin (M.), * William Rastall (L.).
* Anthony Browne (M.),

Of these, George Wood was exonerated; and so it would seem were John Caryl (made attorney of the duchy), George Seintpoll, and George Brown, who are not mentioned in Plowden's Reports, 164, nor in Dugdale's account of the feast in his Origines, 128.

Three weeks before the death of the queen, twelve more were summoned to take the degree of the coif in the following Easter; to eight of whom Queen Elizabeth directed a new writ. The names omitted in it were those of Gilbert Gerard who was made attorney-general), Edmund Plowden, Thomas Gawdy, and William Foster.

Queen's Serjeants.

I. 1553. * James Dyer (M.), * William Staunford (G .),
III. 1555. * Anthony Browne (M.), Richard Catlin (L.).
* William Dalison (G.).
IV. 1556. * Robert Catlin (M.).
V. 1558. John Prideaux (I.).

Ralph Rokeby, who had been called serjeant by King Edward in 1552, was discharged from his service and attendance on May 16, 1556, on his being appointed a judge and commissioner in the North. The *patent* releases him from "wering any quayf, commonly called a serjeant's quayf," and all other apparel of a serjeant at law, and also from being called "to any office of any of our justices of any of our

benches, or of any circuit," by reason of his being a serjeant at law.[1]

The feast of the new serjeants in 1555 was held on October 16, in the Inner Temple hall. Each serjeant provided himself with four robes of five yards and a half each—one of scarlet at 33*s.* 4*d.* a yard, one of violet in grain at 16*s.* a yard, one of "brown blew" at 14*s.* a yard, and one of mustard and murrey at 10*s.* a yard—besides three yards each of the same cloths for taberts. To eight servants of each serjeant, a livery of one yard and a half of the mustard and murrey was allowed. Liveries were also given, varying in quantity, to the servants of the judges, and to several officers of the law and of the inns of Court and their servants, the total amount of which (including three yards to the tailor for his attendance) Dugdale makes 231½ yards at 10*s.* a yard. A minute account is given of the rings, of their weight in money and the charge allowed for fashion, for which each serjeant furnished the goldsmith with 20*l.* in half sovereigns the weightiest that could be got. The number given by each serjeant (of which there is a precise detail) seems to have been considerably less than in the time of Fortescue, and the value in some respects different.

The king and queen had each a ring from every serjeant, weighing 3*l.* 6*s.* 8*d.*

Rings of 20*s.* weight were presented to the lord chancellor, the lord steward, the lord treasurer, the lord privy seal, the lord chamberlain, the two chief justices, and the chief baron; and the steward and comptroller of the feast had rings of the like value.

The six justices of both benches, and the master of the Rolls, had rings of 16*s.* each, and the three barons of the Exchequer of 14*s.* each.

The warden of the Fleet, and the marshall, had rings of

[1] Dugdale's Orig. 139.

11*s.*; the four most ancient serjeants and the attorney and solicitor-general, of 6*s.* 8*d.*; the chirographers, and three prothonotaries of 5*s.*; the clerk of the council, two clerks of the crown, the custos brevium, and the clerk of the warrants, of 4*s.* each; while rings weighing 2*s.* 6*d.* each were given to the sixteen filacers and exigenters of the Court of Common Pleas.

A tempting description of the banquet follows, which must have been sumptuous and abundant, the most remarkable dish on the table, prepared for the lords of the council and certain Spanish lords invited, being "a standing dish of wax representing the Court of Common Pleas, artificially made, the charge thereof 4*l.*" The total expense amounted to 667*l.* 7*s.* 7*d.* divided among the seven serjeants, to whom the lord mayor and aldermen presented in reward 13*l.* 6*s.* 8*d.*; and Serjeant Walpole had 10*l.* and a pair of gloves, value 6*s.*, given to him by the society of Gray's Inn.[1]

SERJEANTS' INN, FLEET STREET, seems to have been the only habitation of the serjeants during this reign. The single evidence of their continued connection with Serjeants' Inn, Chancery Lane, is that liveries of two yards and a half each were given by the new-made serjeants in 1555 to the keepers of *both* houses; but the presumption arising from this is counteracted by the fact that after performing the ceremonies at St. Paul's the procession "returned unto Serjeants' Inne in Fleet Street," where the thanks of the serjeants were given to the company, and the rings presented.

COUNSEL.

The initials show the courts to which those who became judges were first appointed.

— Arscot,	W. Bendlowes,	R. Brooke, C. P.,
N. Barram,	J. Birch,	A. Browne, Ch. C. P.,
— Bellingham,	J. Boyer,	T. Corus, K. B.,

[1] Dugdale's Orig. 128—136, 137.

J. Caryl,
Rd. Catlin,
Rt. Catlin, C. P.,
— Cavell,
Ran. Cholmley,
R. Corbet, K. B.,
W. Cordell, M. R.,
W. Dalison, K. B.,
T. Denton,
J. Dyer, C. P.,
R. Forset,
W. Foster,
G. Frevile, B. E.,
J. Fuller,
T. Gawdy,
G. Gerard, M. R.,
A. Gilbert,
E. Griffin, att.-gen.,
R. Harper, C. P.,
T. Hemming,
H. Heydon,
C. Heigham, Ch. B. E.,
— Hunt,
R. Kempe,
R. Keilwey,
— Loveless,
R. Manwood, C. P.,
L. Meres,
F. Morgan, K. B.,
J. Newdegate,
F. Noone,
H. Payne,
E. Plowden,
W. Poole,
J. Prideaux,
— Ramsey,
W. Rastall, K. B.,
J. Rivet,
R. Rokeby,
W. Roper,
G. Rythe,
T. Saunders,
T. Seckford,
G. Seintpoll,
W. Simonds,
J. Smith,
J. Southcote, K. B.,
W. Staunford, C. P.,
A. Stapleton,
E. Sture,
J. Tawe,
A. Thorold,
R. Townsend,
G. Wall,
J. Walpole,
J. Welshe,
R. Weston,
T. Williams,
G. Wood.

All the four inns of Court issued on June 22, 1557, 3 and 4 Philip and Mary, a united order for the government of their houses, founded no doubt on the resolution entered into in 1546. Under it the companions, except knights and benchers, are forbidden to wear any light colours except scarlet and crimson in their doublets or hoses; any upper velvet or any scarf; or wings in their gowns, white jerkins, buskins or velvet shoes; double cuffs on their shirts; feathers or ribbons in their caps, under a penalty of 3*s.* 4*d.* for the first offence, and expulsion without redemption for the second. And no one, being in commons, is to wear a beard of above three weeks' growth, under a penalty of 40*s.*, which is to be doubled every week after monition. These prohibitions give an insight into the costume prevailing among the young fashionables of the day.

The members were restrained from wearing their study-gowns further in the city than Fleet Bridge and Holborn Bridge, or westward than the Savoy, and also from wearing

Spanish cloaks, sword, buckler, or rapier, or gowns and hats, or gowns girded with a dagger on the back, when they were in commons.

Attorneys were excluded from all the houses; and a member practising attorneyship after admission was to be dismissed to the inn of Chancery whence he came, or to any other, if he were of none before.

No more than two argumentable points were to be introduced into the mote cases for the vacation time; and a regulation was made limiting the number of guests at the readers' dinners, and the charge allowed to the stewards for them.[1]

Similar orders as to the length of beards and the exclusion of attorneys had been previously made by some of the houses separately.[2] Their repetition shows that the practice in both respects had become so common as to require a more general prohibition.

LINCOLN'S INN.—So strict was the government of this house in reference to dress, that in 1555 one Mr. Wyde was fined five groats for going in his study-gown in Cheapside on a Sunday, and in Westminster Hall in term time.

In 1557 an order was made that none should be admitted into the fellowship of this house who had not been of an inn of Chancery before by the space of one year, except he paid 40*s.*[3]; from which it would appear that this had not been previously a peremptory regulation.

INNER TEMPLE.—It would seem that this society did not as yet possess any fund to meet extraordinary expenses; for a tax of 10*s.* was imposed on every knight and double reader, of 6*s.* 8*d.* on every single reader and bencher, and of 3*s.* 4*d.* on every utter barrister and other member, towards the charge of rebuilding the kitchen.

[1] Dugdale's Orig. 310.
[2] Ibid. 147, 148. 242. 244.
[3] Ibid. 242. 244.

By regulations beyond those above alluded to, "no attorney or common solicitor" could be admitted without consent, nor could utter barristers be called without being first examined by the whole bench; and every member called to the bench was obliged to keep "some learning vacations." Directions were also given for the regular attendance of the members, while in commons, at mass, matins, evensong, &c., and for keeping eighteen offering days in the year, "according to antient laudable custome of this House." These orders were issued in 3 & 4 Philip and Mary.[1]

At the dinner of John Prideaux the reader, on August 28, 1555, the students seem to have taken offence at the lord mayor Sir John Lyons, who had been invited as a guest, appearing there with his paraphernalia as chief magistrate. By an entry in an old chronicle it appears that "whane he was goynge the swerde was *willed to be borne doune in the closter*," the latter words having been substituted by the annalist for "torne from hym."[2]

Middle Temple.— After the publication of the joint orders of the inns of Court, this society found it necessary to issue more particular directions as to dress. In 4 & 5 P. & M. it was ordered that no member should wear "any great Bryches in their Hoses, made after the Dutch, Spanish or Almon fashion; or Lawnde upon their caps, or cut doublets," under the like penalties as those before imposed.[3]

Gray's Inn.— The change which on Mary's accession was made in the established religion of the kingdom imposed of course an expense on the inns of Court for the restoration of the ceremonial ornaments. Those of Gray's Inn chapel are given by Dugdale at length, including altar cloths, albes, corporas, ephopes, girdles, &c., the charge for which amounted to no more than 1*l.* 18*s.* 7*d.*

[1] Dugdale's Orig. 146—148.
[2] Chron. Grey Friars, 97.
[3] Dugdale's Orig. 191.

The rebuilding of the hall was commenced in 1556, and was completed in 1560; every member being assessed towards the expense, under the penalty of losing his chamber if he did not pay.

The arrival at the dignity of ancient in this society did not involve an exemption from duty; for by an order of July, 1557, every ancient was to be attendant upon the reader and at the Christmas feast for nine vacations after his election, under a penalty of 40*s.*[1]

[1] Dugdale's Orig. 278, 274 284.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF MARY.

BOWES, ROBERT.

M. R. 1553.

See under the Reign of Edward VI.

THE early life of Sir Robert Bowes afforded little preparation for the judicial position in which he was eventually placed. His family had been seated at Streatlam Castle, in the county of Durham, for more than two centuries; and almost every one of its members had been eminent as a warrior, and had distinguished himself in some glorious field. Sir Robert was the second son of Sir Ralph Bowes, by Margery, daughter and co-heir of Richard Conyers of South Cowton. His elder brother, Ralph, received the order of knighthood on Flodden Field, but dying with only one son, who left no male issue, Sir Robert succeeded to the paternal estate.

The military propensities of the family were early exhibited by Sir Robert; and so experienced was he in all the peculiarities of border-warfare, that when negotiations were pending with the Scots in December, 1541, his presence was required by the council in London, as one who could advise them on the subject.[1] In the following year he led a body of 3000 cavalry against the Scots, by whom, under the Earl

[1] Acts Privy Council, vii. 285.

of Huntley, he was defeated at Haddenrig and, as some say, made prisoner.[1] The war was terminated by the death of King James; and Sir Robert became warden of the East and Middle Marches. During the reign of Edward, he compiled his "Informations" on the state of the marches and their laws and customs, addressed to Henry, Marquess of Dorset, the warden-general, and full of curious and interesting details. In June, 1551, he was one of the commissioners to conclude the convention with Mary, Queen of Scots[2], and in the following September was sworn a member of the Privy Council.

The intelligence he had exhibited as a diplomatist and as an author probably pointed him out as the successor of John Beaumont in the office of master of the Rolls, for which he received his patent on June 18, 1552.[3] In that character he was one of the witnesses to King Edward's will, fixing the succession of the crown on Lady Jane Grey, and he acted on her council during the short continuance of her nominal reign. On July 19, 1553, he signed the letter to Lord Rich on her behalf, but on the next day he signed another to the Duke of Northumberland, commanding him to disarm.[4] This probably saved him from the punishment with which several of Lady Jane's partisans were visited, and founded a claim on Queen Mary's favour. He was evidently continued in his office for two months of the new reign; and even then he seems to have retired voluntarily, the entry being that his patent was cancelled "pure, sponte et absolute," on September 6. Resuming then his duties on the border, he was sent by the council to Berwick in the ensuing April, to assist Lord Conyers in taking the musters, with a warrant for 100*l.* as a reward from the queen.

[1] Lingard, ii. 333.
[2] Rymer, xv. 265. 272.
[3] Pat. 6 Edw. VI., p. 4.
[4] Queen Jane and Queen Mary (Camden Soc.), 100. 109.

By his wife Alice, the daughter of John Metcalfe of Nappa, he had four sons; but these all dying in infancy, the property on his own death devolved on his younger brother Richard, Captain, of Norham, the father of Sir George Bowes, the knight-marshal.[1]

BROMLEY, THOMAS.

CH Q. B. 1553.

See under the Reigns of Henry VIII. and Edward VI.

THE ancient family of Bromley, which was established as early as the reign of King John at Bromleghe in Staffordshire, has supplied the ranks of the law with three judges, — the chief justice whose career is now to be recorded, the lord chancellor of the same name in the reign of Elizabeth, and Sir Edward Bromley, the baron of the Exchequer under James I. and Charles I.

The subject of the present sketch is Thomas Bromley, who was the son of Roger Bromley (a younger brother of the immediate ancestor of Queen Elizabeth's chancellor), by Jane, the daughter of Thomas Jennings. He was placed at the Inner Temple, and became reader there in autumn, 1532. Although again nominated for the same duty, both in autumn, 1539, and Lent, 1540, he did not perform it on either occasion.[2] In June of the latter year he was called to the degree of the coif, and must have previously attained considerable eminence in his profession, since he was appointed one of the king's serjeants on the 2nd of the next month.

In little more than four years he was raised to the bench, succeeding Sir John Spelman as a judge of the King's Bench on November 4, 1544. That he was highly esteemed by

[1] Memorials of Rebellion of 1569, by Sir Cuthbert Sharpe, App. 370.

[2] Dugdale's Orig. 164.

Henry VIII. is apparent from his having a legacy of 300*l.* under the king's will, and being appointed one of the executors of it.[1] He thus became one of the council of regency under Edward VI., but seems to have avoided the political difficulties of that reign till its close, when he was most unwillingly involved in the project of the Duke of Northumberland to place Lady Jane Grey on the throne. His being sent for by the duke to prepare the king's will, and the conduct pursued to overcome his resistance, have been already detailed in the life of Chief Justice Montagu. Having submitted, under the compulsion to which he was subjected, to settle the instrument, it would seem that he was no further called upon to interfere; for his name does not appear among those who witnessed the will, and instead of being committed to prison, as the two chief justices were, he was raised by Queen Mary to the head of his own court, on October 4, 1553, in the place of Sir Roger Cholmley[2], from which it may be naturally inferred that he was, as Burnet says, "a papist in his heart."

He presided at the extraordinary trial of Sir Nicholas Throckmorton on April 17, 1554, when, though the prisoner had so much greater liberty of speech allowed to him than in any previous trial on record that the queen's attorney openly complained in court and threatened to retire from the bar, yet was he hardly pressed by the judges, who refused him the examination of a witness he produced, and denied him the inspection of a statute upon which he relied. The chief justice's summing up too was so defective, "either for want of memory or good will," that "the prisoner craved indifferency, and did help the judge's old memory with his own recital."[3] Throckmorton's acquittal and the iniquitous punishment of the jury followed; and the impression which the

[1] Testam. Vetust. 43. [2] Dugdale's Chron. Series.
[3] Holinshed (1808), iv. 31—55.

whole proceedings leave upon the mind is anything but favourable to the lawyers who were concerned in them. Sir Thomas Bromley cannot escape from the charge of undue severity, though probably he was complained of at the time for giving too great license to the prisoner. He was succeeded as chief justice on June 11, 1555, by Sir William Portman; but it does not appear whether the vacancy was occasioned by his death or by his being superseded.

He left an only daughter, Margaret, who married Sir Richard Newport, the ancestor of the late Earls of Bradford, a title which became extinct in that family in 1762, but was revived in 1815 in the descendants of Sir Orlando Bridgeman, one of whom married the sister and heir of the last earl.[1]

BROOK, DAVID.

CH. B. E. 1553.

DAVID BROOK was a native of Glastonbury in Somersetshire, his father John, a serjeant-at-law, who died on December 25, 1525, and was buried in Redcliffe church, Bristol, being principal seneschal of the famous monastery there. David was reader at the Inner Temple in autumn, 1534, and again in Lent, 1540, when he was also treasurer, and in the next year one of the governors. In the first week of the reign of Edward VI., on February 3, 1547, he was admitted to the degree of the coif, having been summoned thereto by Henry VIII.; and on November 25, 1551, he was made one of the king's serjeants. Queen Mary soon after her accession advanced him, on September 1, 1553, to the office of chief baron of the Exchequer[2], in the place of Sir Henry Bradshaw, whom she had removed; and on October 2, the morrow of the coronation, he and a number

[1] Collins's Peerage, vii. 250., ix. 409.

[2] Dugdale's Orig. 164. 170.; Chron. Ser.

of other persons were "dobyd the knightes of the carpet."[1] His decisions are reported in Dyer from this time till Hilary, 1557; about a year after which he died, his successor Sir Clement Heigham being appointed on March 2, 1558.

If implicit confidence could be reposed on David Lloyd that he truly reported the judge's traditional character, Sir David must have well filled his place; but writing more than a century after the period, this author dresses his encomiums in language so sententious, and balances his periods with such care, that he leaves the impression that he is describing more what his hero ought to be than what he is, and that he has greater anxiety to obtain admiration for himself than for his subject. He concludes, however, with an apophthegm which is worth remembering. "A fat man in Rome riding always upon a very lean horse being asked the reason thereof, answered *that he fed himself, but he trusted others to feed his horse.* Our Judge being asked what was the best way to thrive, said, *Never do anything by another, that you can do by yourself.*"[2]

Sir David left a widow, Margaret the daughter of Richard Butler of London, who had previous to her marriage with him been already the wife of two husbands, Andrew Fraunces and Alderman Robert Chartsey, and who, after the death of the chief baron, was married for the fourth time, to Edward Lord North, whom also she survived, and dying in 1575, was buried in St. Lawrence Jury.[3] This lady was the chief baron's second wife, his first being Katherine, daughter of John, Lord Chandos. He left no issue by either.[4]

BROOKE, ROBERT.

CH. C. P. 1554.

FULLER'S suggestion that Sir Robert Brooke or Broke was

[1] Machyn's Diary, 335. note.
[2] State Worthies, 386—390.
[3] Collins's Peerage, iv. 458.
[4] Fuller's Worthies, ii. 283.

born in Suffolk, because his posterity still flourished at Nacton in that county[1], is incorrect. He was the son of Thomas Broke of Claverley in Shropshire, by Margaret the daughter of Hugh Grosvenor of Farmot in the same county; and he was buried in the church of that parish.[2] None of the published pedigrees show him to have belonged to the Nacton family, which descended from Sir Richard Brooke, lord chief baron under Henry VIII. Robert received his legal education at the Middle Temple, where he was autumn reader in 1542, and again in Lent, 1551.[3] His readings on these occasions were "On the Statute of Limitations, 32 Henry VIII. c. 2.;" and "On Magna Charta, c. 16.," both of which were afterwards published. Between these dates, viz. in 1545, he was advanced from the office of common serjeant of the city of London to that of recorder in the room of Sir Roger Cholmley. In that character he is frequently mentioned in Dyer's Reports. In Michaelmas, 1552, he was made a serjeant, and was several times returned to parliament as representative of the metropolis.

He was elected to the speaker's chair in that which met on April 2, 1554, during which the marriage of the queen with Philip of Spain was solemnized. A new parliament was then called; and between the date of the summons and the day of meeting Brooke was put in the place of Sir Richard Morgan as chief justice of the Common Pleas on October 8.

Dugdale erroneously introduces him as a judge of the King's Bench in Trinity Term, 1543, nine years before he became a serjeant, the mistake arising from the misreading of a passage in Dyer's Reports, p. 56., in which Brooke's name occurs in addition to two others, to whom only the word "justices" applies.[4]

[1] Fuller's Worthies, ii. 337.
[2] Wood's Athen. i. 267.
[3] Dugdale's Orig. 216.
[4] Dugdale's Chron. Series.

He was knighted by King Philip on January 27, 1555[1]; but he enjoyed his judicial dignity little more than four years, dying on September 6, 1558, about two months before the death of the queen. On his tomb at Claverley he is represented in his official robes, with a wife on each side of him in splendid dresses. One of his wives was named Anne, and the other Dorothy; and between them they produced him seventeen children.[2]

Of his posterity there is little account; but his own name has a high reputation in Westminster Hall, not only on account of his great learning and his just administration of the law, but as the author of an "Abridgment" or abstract of the Year Books till his own time, which Coke calls "an excellent repertory," and of "Ascun's Novel Cases" in the three last reigns.

He sat on the trial of Charles, Lord Stourton, for the murder of the Hartgills, and was obliged to threaten him with being pressed to death if he would not plead, which he had for some time refused to do.[3]

BROWNE, ANTHONY.

CH. C. P. 1558.

See under the Reign of Elizabeth.

BROWNE, HUMPHREY.

JUST. C. P. 1553.

See under the Reigns of Henry VIII., Edward VI., and Elizabeth.

BROWN, ROBERT.

B. E. 1553.

See under the Reigns of Edward VI. and Elizabeth.

CATLIN, ROBERT.

JUST. C. P. 1558.

See under the Reign of Elizabeth.

[1] Machyn's Diary, 342

[2] Gent. Mag. Dec. 1822, p. 490.

[3] Machyn's Diary, 126

CORDELL, WILLIAM.

M. R. 1557.

See under the Reign of Elizabeth.

DALISON, WILLIAM.

JUST. Q. B. 1556.

See under the Reign of Elizabeth.

DYER, JAMES.

JUST. C. P. 1557. JUST. K. B. 1558, *pro temp.*

See under the Reign of Elizabeth.

GARDINER, STEPHEN, ARCHDEACON OF NORFOLK AND LEICESTER; BISHOP OF WINCHESTER.

LORD CHANCELLOR, 1553.

THE birth of Stephen Gardiner, like that of his brother prelate Cuthbert Tunstall, is involved in some obscurity. Both are stated to have been illegitimate children; Tunstall the son of a knight, whose name he bore, and Gardiner the son of a bishop, who concealed his incontinence by making one Gardiner, an under servant in his household, marry his concubine, and thus become the apparent father of the child of which she was pregnant. The actual father is represented to have been Lionel Woodvill, brother of the queen of Edward IV., who was made Bishop of Salisbury in 1482 and died in 1485. Some accounts assert that the boy went by the name of Stephens till he became Bishop of Winchester; but this is contradicted by many undoubted records. All agree that he was born at St. Edmund's Bury; and the date of his birth has been fixed in the year 1483, which seems scarcely to tally with the rest of his history. A will has been lately published, made by one John Gardener, a cloth-maker of Bury St. Edmund's, dated January 18, 1506-7, which bequeaths some valuable legacies "to Stevyn my sone," one of which is to be paid to him "when he comyth to the full age of

xxj years," and another, "when he shall take commensement in the scole at the universite."[1] It is inferred with great probability that this John was the father of the lord chancellor; and the date of his birth, as a minor when the will was made, will well accommodate itself to the details of his career.

Nothing is known of his early education; but after his removal to Trinity Hall, Cambridge, his perseverance in the pursuit of knowledge and his attainments in scholastic learning secured to him a reputation which he maintained through life. Devoting himself to the study of the civil and canon law, he proceeded doctor in each in 1520 and 1521, and entered also into holy orders. In 1525 he was elected master of his college, and eventually, in 1540, became chancellor of the university. At an early period, however, he had been received first into the family of the Duke of Norfolk, and then into that of Cardinal Wolsey, who had made him his secretary. About the year 1525 the king, being on a visit to his minister, found Gardiner employed in drawing up the plan of an alliance projected by Wolsey with the king of France, which he did in a manner so satisfactory, supporting his views with so much ability, and suggesting expedients with so much ease, that he at once acquired the royal confidence, and was soon admitted into the council. The first public employment he received was one in which the king was greatly interested. He and Fox were sent in 1528 to the pope, to negotiate the question as to the king's divorce from Catherine of Arragon; and in a letter to the pontiff Wolsey calls him "the first secretary of the most secret counsels, the half of himself, than whom none was dearer to him." He gratified Henry by obtaining a new commission to Wolsey and to Cardinal Campeggio; and he gratified Wolsey as well by reconciling the pope to the en-

[1] Gent. Mag. May, 1855, p. 495.

dowment of his two colleges at Oxford and Ipswich out of the revenues of some lesser monasteries which had been dissolved, as by his arduous exertions to secure the pontificate for the cardinal in the event of the pope's expected death.

On Gardiner's return he received his first preferment in the Church, that of the archdeaconry of Norfolk, in which he was installed on March 1, 1529. In the following October his name "Stephen Gardyner" appears as "counsellor to the king" in the record of the delivery up of the Great Seal by Cardinal Wolsey.[1] Placed by the changes which took place on that event in the office of secretary of state, it has been a question how far he exerted the great influence which he certainly had with the king in behalf of his fallen master; and it is generally admitted that Cromwell's conduct was more generous, bold, and decided. A letter, however, from Wolsey to Gardiner, without entirely attributing to his interference the pardon which the king had consented to grant, seems to exhibit a firm reliance on his "love and affection" in the preparation of the instrument.[2]

Gardiner was next employed in inducing the university of Cambridge to make a declaration affirming the prohibition by the divine and natural law for a brother to marry the relict of his deceased brother. This he and his coadjutor Fox, after some trouble, contrived by management to obtain[3]; and the king was not long in rewarding both. Gardiner received the archdeaconry of Leicester on March 31, 1531, and on the 27th of November in the same year he was consecrated Bishop of Winchester; the patent for the restitution of the temporalities, dated December 5, describing him as "our principal secretary."[4] This office he held by no easy tenure. The disposition of his royal master was not the most mild; and he had to submit to many violent ebullitions

[1] Rymer, xiv. 349.
[2] Archæologia, xviii. 57.
[3] Lingard, vi. 386.
[4] Rymer, xiv. 429.

of passion when anything went wrong. The king had two modes of scolding, the written one, which he called WHETTING, and the oral one, which he called SQUARING. The more strongly worded the former was the sooner did the royal indignation subside, as if it evaporated by the expression; and when the courtiers who saw some of these letters looked upon Gardiner as a ruined man, he, knowing the king's habit, feared nothing from the rebuke. The *squaring* was almost as harmless; and Gardiner soon learned to bend to the storm. When he and the Earl of Wiltshire on one occasion had failed to manage a matter to the king's satisfaction, he was attacked with a hurricane of abuse; but at the conclusion of the conference the king took him into his chamber and told him that the anger, though expressed against him, was as strong against the earl, whom he could not address so freely.

Throughout the remainder of Henry's reign Gardiner devoted himself to the king's service, and until towards its close succeeded in preserving his ascendency in the royal councils. This he effected by accommodating himself to Henry's humours, whatever they might be, taking care at the same time to encourage and stimulate those which accorded with his own strong religious tendencies and to qualify every movement in a contrary direction by temporizing suggestions. After concluding his efforts to release the king from his first wife, which he did by sitting in the court with Archbishop Cranmer when the marriage was pronounced null and void, he went as ambassador to the French king. Bonner, who was joined in the embassy, complained loudly of his being obstinate and self-willed, and of his extreme jealousy of any interference in the management of the business, or of any supposed assumption of an equality of rank. This spirit, the existence of which he himself acknowledged, was soon after exhibited towards his ecclesiastical superior, Archbishop

Cranmer, by raising every obstacle against the visitation which that prelate proposed to make in his diocese. Like all his brethren of the episcopal bench, he was compelled by the new statute to swear to the king's supremacy, which he not only appeared to do with the greatest readiness, but wrote strongly and ably in its support; although at the same time he was devotedly attached to the superstitious doctrines of the Romish Church. The king, though professing the same sentiments, was still desirous of introducing some reforms, and of permitting the Scriptures to be read in the vulgar tongue; but Gardiner vigorously opposed every step taken to promote the Reformation. He stirred up the king's zeal against those who denied the real presence, and seems to be justly chargeable with bringing Lambert and others to the stake for refusing to adopt the doctrine; he procured, or at least promoted, the enactment of the bloody statute of the Six Articles, under the cruel provisions of which so many suffered; and he plotted to get rid of Archbishop Cranmer, whom he hated as the great supporter of the Protestant party, by charges of an heretical nature. But in the latter he failed; the king saw through his malevolent design, and from that moment ceased to have confidence in him. He did not improve the impression on the royal mind by the servile submission and acknowledgment which he made in anticipation of a charge against himself of doubting the king's supremacy, although he obtained his pardon by an abject promise to reform his opinion. But he put a finishing stroke to the king's alienation from him by combining with Lord Wriothesley in the endeavour to implicate Queen Catherine Parr in reference to these religious questions, to which reference has been already been made.[1] From that time Henry not only withdrew all show of favour to him, but his name was struck out of the king's will, of which he had before been

[1] See ante, p 334.

appointed one of the executors. He was thus excluded from the council of regency.

Within a week after the death of Henry, he wrote to Paget the secretary of state, stating that he intended to have a solemn dirge and mass for the late king, and complaining that the players in Southwark are to have "a solemne playe to trye who shal have most resorte, they in game, or I in ernest," and requested the lord protector to interfere.[1] Strongly opposing all the means then taken to advance the Reformation, he was committed to the Fleet in September, 1547, resisting all the attempts of Archbishop Cranmer to bring him round to the new opinions. From this imprisonment he was released, in consequence of the general pardon granted at the close of the session, on December 24. In the following June, however, being commanded to preach before the king, his sermon was so little satisfactory, that he was sent to the Tower on the next day. The removal of the lord protector, whom he looked on as his great enemy, made no change in his state; and at the end of two years he was subjected to a sort of examination, and offered his freedom if he would subscribe to certain articles submitted to him. This he consented to do, as far as they had reference to the promise of future obedience, to the acknowledgment of the king's supremacy, and to the repeal of the Six Articles; but he refused to recognize the justice of his previous punishment, and eventually, on new articles being brought to him, altogether declined to answer them until he was discharged from his imprisonment. A special commission was then appointed to try him, when persisting in his refusal his bishoprick was sequestered; but three months were given him for consideration, at the end of which he was informed that, if he did not conform, sentence of deprivation would be pronounced. At the expiration of the time he was brought

[1] Cal. State Papers (Lemon), 1.

before a court of delegates over which Archbishop Cranmer presided, and after a hearing which lasted from December 15, 1550, to February 14, 1551, he was deprived for disobedience and contempt of the king's authority; his appeal against the sentence being disregarded. His contemptuous behaviour towards the court led to an increased rigour in his confinement, which continued till the end of the reign.

The accession of Queen Mary opened a brighter prospect to the determined prelate. On her public entry into the Tower on August 3, 1553, he made a congratulatory speech in the name of himself and his fellow-prisoners, among whom were the Duke of Norfolk, the Duchess of Somerset, the Lord Courtney, and Bishop Tunstall. The queen, in releasing them all, is said to have kissed them, and to have called them "her prisoners." Thus, after a confinement of more than five years was he restored to liberty. He was immediately admitted to a seat in council, and within five days he exercised his episcopal functions, performing in the queen's presence the obsequies of the late king. On the 23rd of that month the Great Seal was delivered to him as chancellor [1], and on the 29th he was authorized under that title to grant licenses to preachers.[2] It was not, however, till September 21 that his patent for the chancellorship was dated.[3] He performed the ceremony of coronation on October 1, opened the first parliament of the reign four days afterwards, and from that time during the remainder of his life acted as Mary's chief adviser in all civil matters, and, until the arrival of Cardinal Pole in November, 1554, in the affairs of the Church also.

The first difficulty which he had to encounter was the necessary confirmation of the marriage of Henry VIII. with Catherine of Arragon, in order to remove the illegitimation

[1] Claus. 1 Mar. p. 7.
[2] Rymer, xv. 337.
[3] Dugdale's Chron. Ser.

of Queen Mary. Here, though he had been one of the principal promoters of the divorce, by his contrivance the whole blame was thrown on Archbishop Cranmer. The repeal of the laws passed in the last reign with regard to religion, and the restoration of all the ancient Romish practices, were not delayed; but the measures adopted for this purpose, and the cruel consequences with which all opponents were visited, belong rather to the history of the period than to the biography of an individual. Suffice it to say that several Protestant bishops were deprived, others compelled to fly the country, the prisons were filled to overflowing, and after a short time innumerable victims suffered at the stake. With every desire to give an impartial consideration to the arguments of those writers who attempt to palliate his conduct, it is impossible to acquit Gardiner of originating the laws which authorized these cruel measures, and of carrying them into effect with their extremest severity; and conscientious as some may think him in his zeal for the ancient Church, none but the most bigoted can justify the means he adopted for its restoration. That his old enemy, Archbishop Cranmer, who had already been tried, did not suffer at the same time with Bishops Ridley and Latimer, has been ascribed to his desire to succeed to the archbishoprick, with which he knew that Cardinal Pole would be immediately invested, if his intrigues in the court of Rome against that powerful ecclesiastic were not successful. Whatever were his motives for delaying the execution, it is difficult to ascribe them to merciful considerations, since these did not operate to save the two other Oxford martyrs. During the interval, however, between the archbishop's trial and the execution of his sentence, Gardiner, after opening the Parliament on October 21, 1555, was seized with a mortal disease, the nature of which has been variously represented, of which he died at Whitehall on November 12, terminating a short

ministry of two years and less than three months more disreputable than any other of similar extent recorded in the annals of the kingdom. His exclamation in his last moments, of "Erravi cum Petro, at non flevi cum Petro," though ascribed by some to remorse for his recent enormities, may more naturally be attributed to a pious acknowledgment of human frailty. He was buried in Winchester cathedral.

Of Gardiner's learning there can be no doubt; but even in his contest with Sir John Cheke on the pronunciation of the Greek language, he exhibited the obstinacy and tyranny of his disposition, visiting with punishment those who adopted the reformation proposed by his antagonist. With very quick parts and great acuteness of mind, his early initiation into business highly qualified him for a statesman; and the measures which he took on the marriage of Queen Mary to prevent foreign interference with the government of the kingdom are sufficient proofs of his abilities as a politician.

His work "De Verâ Obedientiâ," written against the Papal supremacy, he was afterwards obliged to retract by another called "Palinodia Dicti Libri." Besides these he published several other controversial pieces; and many of his sermons have been preserved.[1]

HALES, JAMES.

C. P. 1553.

See under the Reign of Edward VI.

JAMES HALES was the eldest of the four sons of John Hales, of the Dungeon in Canterbury, the baron of the Exchequer in the reign of Henry VIII., by his wife Isabel Harris or Harvey. Like his father he studied the law at Gray's Inn, where he was three times reader,—in autumn, 1532, and in Lent,

[1] Godwin, de Præsul. 236.; Brit. Biog. ii. 202.; State Trials, i. 551.; Robertson's Heylin; Lingard; Burnet, &c.

1537 and 1540. The last occasion was a customary compliment to those who were summoned to take the degree of the coif, which he assumed in the following Trinity Term. On November 4, 1544, he was made one of the king's serjeants [1], and soon after had a grant from Henry VIII. of the manor of Clavertigh, with lands called Monken Lands in Eleham, Kent.[2]

At the coronation of Edward VI. he was one of the forty who were made knights of the Bath. Being devoted to the Protestant cause he was selected on April 10, 1549, as one of the commissioners "super hæreticâ pravitate;" [3] and having on the 10th of May following been advanced to the bench by Edward VI. as a justice of the Common Pleas, he sat there during the rest of the reign. He was one of the judges who pronounced the sentence of deprivation against Bishop Gardiner [4] in February, 1551, and had reason to find that that prelate when he attained power did not forget those before whom he was arraigned.

Although firmly attached to the doctrines of the Reformation, and conscious as he must have been of the danger of a revulsion, should a princess, who had even through persecution refused to renounce the ancient ritual, succeed to the throne, Sir James Hales, when called upon by the Duke of Northumberland to join the other judges in authenticating the instrument by which the succession was to be changed and the crown was to be placed on a Protestant head, boldly refused to affix his signature, declaring the attempt to be both unlawful and unjust. He is represented as being the only judge who so distinguished himself; but of the eight judges of the King's Bench and Common Pleas (the puisne barons of the Exchequer were not yet considered in the same light), there were two besides him whose names do not

[1] Dugdale's Orig. 292.; Chron. Ser.
[2] Hasted, viii. 106.
[3] Rymer, xv. 181. 250.
[4] State Trials, i. 630.

appear. These were Sir Edmund Mervin and William Coke; but as their absence was probably caused by illness, the latter dying in the following month, and the former evidently not long surviving him, it is impossible to say whether they would have shared with Sir James the dangers and the merit of resistance.

The same firmness he had thus shown in supporting the succession according to law, he exhibited immediately afterwards at the assizes in Kent, in reference to the statutes relative to religion. Some indictments having been brought before him against certain persons for nonconformity, he in his charge to the grand jury, regardless of the changes which might be expected under the present government, courageously pointed out what the law then actually was, and what it devolved upon them in the exercise of their duty to do. Although this was certainly not the way to "stand well in her grace's favour," yet the queen appointed him one of the commission to try Sir Andrew Dudley and others for high treason in August, and on October 4 granted him his new patent in the Common Pleas, thus apparently overlooking his neglect of her known wishes, and doing justice to the honesty of his principles. But this would not satisfy the bigoted chancellor Bishop Gardiner, before whom two days afterwards he came with his fellows to take his oath of office. On that occasion the harsh prelate required him "to make his purgation;" and a "colloquy" took place, in which the judge justified his conduct, speaking plainly of his intentions to support the queen and the law, but at the same time to adhere to his religion, while the bishop taunted him with his "lacking no conscience," and after threatening, but not moving him, dismissed him without his oath.

Within a few days the bishop, in a true persecuting spirit, had him committed to the King's Bench prison, from which he was successively removed to the Compter in Bread Street

and the Fleet. His incarceration lasted several months, during which many attempts were made to induce him to embrace the Popish doctrine, not only by working on his fears of the torments prepared for those who persisted in their heresy, but by the earnest persuasions of Foster, a Hampshire gentleman sent for the purpose, of Bishop Day, and of his brother-judge Sir William Portman. He was at last overcome; but his recantation had such an effect upon his mind that he attempted in the absence of his servant to kill himself with his pen-knife. The servant's return saved his life, and being discharged from confinement he was "brought to the queen's presence, who gave him words of great comfort." His release took place about April, 1554; but his mind was not at ease, and in the course of the next year while staying at his nephew's house at Thanington near Canterbury, he in a fit of despondency drowned himself in a river in the parish of St. Mildred.

There is another account, that Sir James's death was occasioned by his crossing the river over a narrow bridge, from which he accidentally fell and was drowned at the age of eighty-five.[1] Whichever of these stories is the true one, it is certain that a verdict of *felo de se* was pronounced by the coroner's inquest; for there are two cases reported — The Bishop of Chichester *v.* Webb, 2 Dyer, 107, and Lady Margaret Hales *v.* Petit, Plowden, 253,— the arguments and judgments in which proceeded on that finding by the jury. The hair-splitting subtilties urged in these cases are supposed to have suggested the argument which Shakspeare puts into the grave-digger's mouth in Hamlet: "Here lies the water; good: here stands the man; good: if the man goes to this water, and drown himself, it is, will he, nill he, he goes; mark you that: but if the water come to him, and

[1] Holinshed (1808), iv. 8.; State Trials, i. 714.; Wotton's Baronet. i. 221., iii. 97.; Hasted, viii. 106., xi. 149.; Burnet.

drown him, he drowns not himself; Argal he that is not guilty of his own death, shortens not his own life."

Wotton states that Sir James's wife was the daughter and heir of Thomas Hales of Henley-upon-Thames; and Hasted calls her Margaret, one of the daughters and co-heirs of Oliver Wood, a judge of the Common Pleas under Henry VIII. The reported cases prove that her name was Margaret; but the only judge named Wood was Thomas, and not Oliver, and he was chief justice in the reign of Henry VII. Little dependence therefore is to be placed on these genealogies; but both authors agree that the judge left an only son Humphrey, and that the line became extinct in 1665.

HARE, NICHOLAS.

M. R. 1553.

THE family of Hare is very ancient, tracing its origin in England to Jervis, Earl of Hare-court or Harcourt, who accompanied William the Conqueror in his invasion of this island. Nicholas Hare was the eldest son of John Hare of Homersfield in Suffolk and Elizabeth Fortescue his wife. He received his legal education at the Inner Temple, where he became reader in autumn, 1532, and was several times governor.[1] From the list of latter officers of the house, it appears that he received the honour of knighthood about the year 1539, when his name is entered without any addition, while in the following year the title is given. On April 28, 1540, he is so described when he was elected speaker of the House of Commons, to which he was returned as member for Norfolk. He presided also in the following session, his speech at the close of which affords a curious specimen of the inflated oratory of the period. "The great world," said he, "contains these several divisions, the divine world, the

[1] Dugdale's Orig. 164. 172.

celestial and terrestrial worlds. By the similitude of which, man is said to be a microcosm, that is, a little world; and hath also three parts, viz. a head, a breast, and inferior members. And in likeness of these he asserted that the whole English government was constituted; in which the king was the head, the peers the body, and the commons the rest of the machine;" and he then proceeds in the customary terms of adulation to the monarch he was addressing.[1]

In September, 1540, he was one in a commission into Wales to examine what jewels, plate, and ornaments were embezzled from the shrine of St. David's.[2] At this time he was chief justice of Chester, and he was soon after made master of Requests, which he held during the remainder of Henry's and the whole of Edward's reign. Fortunately for himself he was not called upon to witness the will of the latter, and was not implicated in the measures taken to place Lady Jane Grey on the throne. On the removal therefore of Sir Robert Bowes from the mastership of the Rolls, he was appointed by Queen Mary to that office on September 18, 1553.[3] It would appear that his judicial position did not prevent him from opposing the queen's marriage with Philip of Spain, since Sir Nicholas Throckmorton justifies his "misliking" of that connection by the reasons for it which he had learned from "Master Hare" and others in parliament. If he had offended by this, he amply redeemed himself in the eyes of the court by his harsh endeavours to procure Throckmorton's conviction.[4] His severity however at the trial overstepped its object, since it is not improbable that his refusal to examine a witness called by Throckmorton and to refer to a statute cited by him tended materially to the acquittal of the prisoner. In the proceedings of the Privy Council of April 22, 1555, a writ is directed to the

[1] Parl. Hist. 536. 546.
[2] Acts Privy Council, vii. 46. 85.
[3] Dugdale's Chron. Ser.
[4] State Trials, i. 875—896.

master of the Rolls and other the justices of the peace in the county of Middlesex, for the execution of William Flower *alias* Braunche, with the cruel command that "for the more terrible example, he should before he were executed have his right hand stricken off."[1]

On November 13 in the same year, the day after the death of Bishop Gardiner, a commission was issued authorizing him to hear and determine all suits &c. in the court of Chancery in like manner as the chancellor of England might do[2]; and under this power Hare continued to act for the next seven weeks, when Archbishop Heath was made chancellor on January 1, 1556.

Sir Nicholas died as master of the Rolls on October 31, 1557, and was buried in the Temple church. His epitaph is given by Dugdale. His wife Catherine, daughter and co-heir of Sir John Bassingbourn of Woodhall in Hertfordshire, survived him about three weeks, and was buried in the same tomb.[3] The three sons he had by her all dying without issue, Sir Nicholas's estate, which comprehended the whole hundred of Clackhose, including Stow Bardolph and other property in the county of Norfolk, went eventually to his younger brother John. This John had eight sons, the third of whom was ancestor of Sir Ralph Hare of Stow Bardolph, who was created a baronet in 1641; but the title became extinct by failure of male issue in 1764. It was however revived in 1818 in the descendant of a daughter of the second baronet, and his son now enjoys the title. John's eighth son was the father of Hugh, who was created Lord Coleraine in Ireland in 1625; but this title is also now extinct.[4]

[1] Archæol. xviii. 181. [2] Rymer, xv. 426. [3] Dugdale's Orig. 178.
[4] Oldfield and Dyson's Hist. of Tottenham, 30. 81.; Wotton's Baronet. ii. 208.

HEATH, NICHOLAS, Archideacon of Stafford; Bishop of Rochester and Worcester; Archbishop of York.

Lord Chancellor, 1556.

Nicholas Heath was of the family of that name seated at Apsley in the parish of Tamworth in Warwickshire, but was born in the city of London. He received the rudiments of his education at St. Anthony's School, in which Sir Thomas More had been a pupil.[1] He was then entered of Corpus Christi College, Oxford; but perhaps on account of that foundation, which was only just then established by Bishop Fox, not being ready for students, he was transplanted to Christ's College, Cambridge, in which university he took his degree of B. A. in 1519, and that of M.A. in 1521, being soon after elected a fellow of Clare Hall there. He is said to have been maintained while at college by Queen Anne Boleyn and her father and brother, and to have been in the first instance a favourer of the new Protestant doctrines.[2] Though his assistance to Cranmer in his translation of the Bible seems to warrant this report, his opinions must have undergone great change. Taking holy orders, he was instituted into the church of Hever in Kent in 1531, and having proceeded doctor in divinity in the meantime, into those of Bishopsbourn and Southmalling in 1537, and of Shoreham in 1538, to which was added the rectory of Cliff. In the following year he became Archdeacon of Stafford, and was made almoner to the king[3]; who promoted him to the Bishoprick of Rochester on March 26, 1540, granting him a dispensation to retain the archdeaconry *in commendam* till the feast of St. John the Baptist, and the churches of Cliff and Shoreham for life.

After remaining in this diocese for nearly four years, he

[1] Stow's London (Thoms), 29.
[2] Strype's Mem. i. 279.
[3] Rymer, xiv. 648.

was translated to Worcester, to which he was elected on December 22, 1543; and he sat there quietly performing his episcopal functions for the rest of Henry's reign, and the first four years of that of Edward VI. The act for the adoption of the new Book of Common Prayer having been passed about that time, he, although he had voted against it, was appointed one of the commissioners for carrying it into effect. Refusing to sign the form prescribed for the ordination of bishops, &c., he was committed to the Fleet in December, 1550[1], and, being proceeded against for contempt, was deprived of his bishoprick in the ensuing October. His imprisonment in Bishop Ridley's house, to which he was removed in July, 1552, was alleviated by the kindness and liberal hospitality of that prelate, of whom Heath used always to speak as the most learned of the Protestant party.

On the accession of Queen Mary, the sentence against him was reversed, and he recovered possession of his see. One of the first uses which Mary made of him was to attempt the conversion of the Duke of Northumberland, in which he showed so much dexterity as to induce the duke, either out of weakness or hope of life, to make a public profession of Romanism on the scaffold.[2] The royal favour was further exhibited towards Heath by making him President of Wales, and, on the deprivation of Archbishop Holgate, by translating him to York. The *congé d'élire* is dated February 19, 1555; and the death of Bishop Gardiner in the same year leaving the office of chancellor vacant, the Great Seal was delivered to him with that title on January 1, 1556.[3] Although the fires of Smithfield, begun by Gardiner, continued to rage during the chancellorship of Archbishop Heath, there is no evidence, and indeed no charge, that he assisted in feeding them.

[1] Chron. Grey Friars, 68.

[2] Robertson's Heylin, ii. 85.

[3] Claus. 2 & 3 Ph. and M. p. 11. m. 3.

He continued in the exercise of his high functions during the rest of Mary's reign; and on the day of her death, November 17, 1558, the parliament being then sitting, he communicated the event to the Lords and Commons, and declaring that the right and title of the Lady Elizabeth was free from all question and doubt, he directed her immediate proclamation. This prudent activity, which anticipated all pretenders and procured her a peaceful accession to the throne, could not but be gratefully felt by the new queen, who, though she did not again entrust him with the Great Seal, continued him in her Privy Council. He assisted in Mary's obsequies on December 14[1]; but any hopes that he might have entertained of being reinstated in his office were put an end to on the 22nd by the appointment of Sir Nicholas Bacon as lord keeper.

He joined with the other English prelates in refusing to assist at the coronation of Queen Elizabeth; but one of the number, Oglethorpe, Bishop of Carlisle, was at last prevailed upon to perform the ceremony on January 15, 1559, on her agreeing to take the accustomed oath. The parliament met on the 25th, and one of its earliest debates was with reference to an act for restoring the supremacy of the crown. To this bill Heath and eight other bishops were vigorous opponents; and the speech which he addressed to the house on the occasion has been published. It is firm and temperate and learned; but its arguments did not prevail. During the progress of this bill and that for the uniformity of the Book of Common Prayer, the controverted points were subjected by royal command to the disputation of eight learned persons, selected from each party, and the new lord keeper was appointed moderator, Archbishop Heath, as some say, being associated with him[2]; but the conference was abruptly terminated by a dispute as to the order of discussion. The

[1] Machyn's Diary, 183.

[2] Lives of the Chancellors (1708), i. 85.

bill for supremacy passed into a law on March 22; and the archbishop and the opposing bishops refusing to take the oath, they were deprived of their sees, and the queen's license to elect a new archbishop was issued on July 25, 1560.[1] In the preceding month, Heath had been committed to the Tower; and in the following February sentence of excommunication was pronounced against him.[2]

The deprived archbishop was more fortunate than some of his colleagues; for his imprisonment was of short duration, he being allowed after two or three months' confinement to retire to his own property at Chobham in Surrey. For this comparative clemency he no doubt was indebted as much to the queen's gratitude for his early exertions in her behalf as to her admiration of his learning and amiable character, and she showed her continued kindness by an occasional visit to him in his retirement. There he lived for many years, pursuing uninterruptedly and with patient devotion the studies which had first interested him; and there he died in the year 1579, and was buried in the chancel of the parish church.

Such is the history of his last years which all his biographers have written; but Mr. Howard of Corby, in the supplementary addition to his Memorials of the Howard Family, copies the following entry of June 22, 1565, from the Council Register, Elizabeth, No. 1., p. 196.: — "A letter to the Lord Scrope in answer to his letters written to Mr. Secretary, with the examination by him taken of Nich^as^. Hethe, whom his lordship is required to procede sumwhat sharpeley withal, to the ende he should declare the full truthe why he wandrethe abrode, and yf he will not be plane, to use some kinde of torture unto him, so as to be without any grete bodely hurte, and to advertyse of his doinges herein, &c. &c., accordyng to mynutes of the counsel thercof." The

[1] Rymer, xv. 599.

[2] Machyn's Diary, 238. 249.

memorialist applies this to Archbishop Heath, and he is willingly followed by Miss Strickland. That authoress proceeds to state in explanation, that after the archbishop's discharge from the Tower "he was sent into a sort of prison restraint at one of the houses belonging to his see in Yorkshire;" that "his mode of imprisonment permitted him to take walks for exercise," which though they "could not have been very far, as he was turned of eighty, were regarded with jealousy."[1] There is nothing, however, in the entry itself to identify this Nicholas Hethe with the archbishop, and the name was by no means an uncommon one. For Miss Strickland's additions no authority is cited, and they bear on the face of them too much of improbability to be received with entire confidence. The scene is laid in the North, where Lord Scrope was then governor of Carlisle and warden of the Western Marches towards Scotland; but do these comprehend Yorkshire? The precise place of restraint is not named, which may therefore have been much further north; and the archbishop having been altogether deprived in 1560, was not likely in 1565 to occupy one of the houses of the see which then belonged to his successor. If he was eighty in 1565, as Miss Strickland makes him, he must have been rather an elderly student in 1519, when he took his bachelor's degree; and the permission "to take walks for exercise" is a mere presumption formed by Miss Strickland from the council's expression, "why he wandrethe abrode," the meaning of which must have been somewhat more extensive than from the entry is apparent, to warrant so extreme a penalty. The letters of Lord Scrope to the council are not produced, and till their contents are known, so grave a charge against Queen Elizabeth, founded only on suppositions and contradicting the best authorities, must be dismissed as "not proven," while a letter from the archbishop to Lord Bur-

[1] Miss Strickland's Elizabeth, 155.

leigh, dated at Chobham, Sept. 22, 1573, wherein he expresses his gratitude "for having lived many years in great quietness of mind," confirms the original account.[1]

During his presidency over the province of York, Queen Mary gave to him and his successors as a residence in the metropolis, instead of York House which had been appropriated by Henry VIII., Suffolk House near St. George's church in Southwark. This he was permitted to sell, and to purchase in its stead Norwich House near Charing Cross, which changing its name to York House, long continued in the possession of the archbishops, but was commonly let by them to the keepers of the Great Seal. After Lord Chancellor Bacon's disgrace, the Duke of Buckingham obtained it, giving other lands in exchange; and the site is now occupied by the streets which bear his name and title.

Writers of all parties describe Archbishop Heath as a man distinguished by his private virtues, of great abilities and integrity, of gentle temper and prudent conduct, firm in his principles and moderate amidst the bigots of both parties.[2] If he had, as it has been said, a tendency in his early life to the reformed doctrines, the alteration in his opinions could not be attributed to any subserviency to the existing powers, since his first imprisonment and deprivation under Edward VI. might have been averted by a timely submission, and his final refusal to acknowledge the supremacy of Queen Elizabeth when he could have had no hope of another change in the national religion, must have been prompted by his conscientious though mistaken scruples.

HEIGHAM, CLEMENT.

CH. B. E. *1558.*

See under the Reign of Elizabeth.

[1] Cal. State Papers, 467.

[2] Godwin, de Præsul. 470. 537. 710.; Lingard; Hayward; Le Neve; Wood's Athen. ii. 817.; Burnet.

LUKE, NICHOLAS.

B. E. 1553.

See under the Reigns of Henry VIII., Edward VI. and Elizabeth.

MERVIN, EDMUND.

Just. Q. B. 1553.

See under the Reigns of Henry VIII. and Edward VI.

Edmund Mervin was the second son of Walter Mervin, Esq, of Fonthill in Wiltshire, by Mary, daughter of John Mountpenson, Esq., of Bathanton Welley in the same county. This ancient family had given several sheriffs to Wiltshire, and had been for many generations possessors of the estate of Fonthill, which afterwards descended through Walter's eldest son to Lucy the daughter and heir of Sir James Mervin. This lady married George the eleventh Lord Audley, who died in 1617, and two of his successors in the title bore the baptismal name of Mervin.[1]

Edmund, being destined for the bar, received his legal education in the Middle Temple, where he was elected reader in autumn, 1523, and again in Lent, 1530, and was raised to the degree of the coif in the Michaelmas Term of the following year. King Henry, on February 11, 1539, made him one of his serjeants, and on November 23, 1540, constituted him a judge of the King's Bench.[2] By some letters addressed to him by the council, he seems to have been then resident in the neighbourhood of Racton in Sussex.[3] Little is told of him by the reporters, either as an advocate or a judge; but he was continued in his seat on the accession of Edward VI., and is frequently named in that reign in the criminal proceedings which have been preserved in the *Baga de Secretis*. Dugdale does not introduce him as a judge

[1] Collins's Peerage, ii. 502., vi. 554.; Fuller's Worthies, ii. 459.
[2] Dugdale's Orig. 216.; Chron. Ser. [3] Acts Privy Council, vii. 175. 179.

under Queen Mary; but it is evident that she continued him in his place, as he is one of the special commissioners named for the trial of Sir Andrew Dudley and others for high treason, on August 18, 1553.[1]

It may be inferred, therefore, that he was in no way concerned in the attempt to change the succession of the crown. His name was not attached either to King Edward's will, or to the other instrument which Northumberland required the councillors to subscribe. It is possible, however, as Sir James Hales is always noticed as the only judge who refused to affix his signature, that Mervin was at the time prevented by illness from attending; for though named in the commission of August 18, it does not follow that he was present at the trial, and he is certainly never mentioned after that date. There is no doubt also that he died very shortly afterwards, as by a case in Easter Term 2 and 3 Philip and Mary, 1556, it appears that both he and his wife Elizabeth were then dead, and that Henry was their youngest son.[2]

This Elizabeth was the daughter of Sir Edmund Pakenham. By her he had a daughter, who was married to Richard Rous of Halton in Cornwall (a descendant of William Rufus, a justice itinerant in the reign of Henry II.[3]), whose grandson Francis was speaker to the Barebones parliament.[4]

MORGAN, FRANCIS.

JUST. Q. B. 1558.

THIS judge is frequently confounded with Richard Morgan the chief justice before whom Lady Jane Grey was arraigned, and whose life is next to be noticed. They were not even of

[1] 4 Report Pub. Rec., App. ii. 218—235.

[2] Dyer's Reports, ii. 113.

[3] See Vol. I. p. 303.

[4] The history of this family has been kindly communicated to me by the Rev. Henry Thomas Ellacombe, F.S.A., who traces his descent from the judge through the Rouses.

the same family. That of Francis was settled at Kingsthorpe in Northamptonshire, in which county he was born. His legal training took place in the Middle Temple, where he was reader in Lent, 1553. He was advanced by Queen Mary to the degree of the coif on October 16, 1555; and his elevation to the judgeship of the Queen's Bench did not occur till January 23, 1558 [1], more than eighteen months after the death of his namesake the chief justice. He survived his appointment for seven months only, during a great part of which he was prevented by illness from acting, and died on August 19 in the same year. His funeral monument in the church of Nether Heyford in Northamptonshire represents him in his coif and robes, together with his wife and two sons and three daughters. On two tablets beneath it are inscribed three sets of laudatory Latin verses of considerable elegance, but which would be more applicable to a judge of longer standing.

He married Anne the daughter and one of the co-heirs of Christopher Pemberton; and his manors of Heyford, Over Heyford, and Nether Heyford, with a moiety of Newbold manor and other lands in the county, descended first to his eldest son Thomas Morgan, usually described of Weston-sub-Wetherley in Warwickshire, who married the daughter and heiress of Chief Baron Saunders, and afterwards to his younger son Anthony, both of whom died without male issue.[2]

MORGAN, RICHARD.

Ch. C. P. 1553.

Of the family of Richard Morgan, no certain account is given. His admission to Lincoln's Inn is dated July 31, 1523, and his call to the bar 1529.[3] He became reader to

[1] Dugdale's Orig. 128. 217.; Chron. Ser.; Dyer, 158.

[2] Northamptonshire, by Bridges, i. 521., by Baker, i. 40. 183—189.

[3] Black Book, iii. 130. 184.

that society in autumn, 1542,— an office which he again filled in autumn, 1546, when he was summoned to take the degree of the coif. He and five others received their writs in the Trinity Term of that year, returnable on the 3rd of the following February. King Henry, however, dying on January 28, a new writ became necessary, by virtue of which they were invested on the day first appointed, and held their feast in Lincoln's Inn hall.[1] Morgan's name occurs occasionally in Plowden's Reports; but he does not appear to have acquired any eminence as an advocate, — his religion, which was Roman Catholic, perhaps operating to the injury of his practice.

Attached no doubt by this tie to the family of the Princess Mary, he was committed to the Fleet in March, 1551, for hearing mass in her chapel[2]; and on King Edward's death in July, 1553, he was among the first of those who, disregarding the proclamation of Lady Jane Grey as queen, immediately joined the princess at Kenninghall Castle in Norfolk.[3] He did not wait long for his reward for this early proof of his devotion. In the same month he acted as one of the commissioners to hear Bishop Tunstall's appeal against his conviction[4], and on the 5th of September was raised to the office of chief justice of the Common Pleas, in the room of Sir Edward Montagu.[5]

The queen's address to Morgan on his elevation to the bench has been preserved by Sir Nicholas Throckmorton's reference to it on his trial, under the idea that it had been addressed to Sir Thomas Bromley, before whom he was arraigned. That judge immediately corrected the knight's error, by stating that the queen had used the words to Morgan. "She enjoined you," Sir Nicholas said, "to

[1] Dugdale's Orig. 118. 152.
[2] Queen Jane and Queen Mary, 5.
[3] Strype's Cranmer, ii. 233.
[4] Rymer, xv. 334.
[5] Dugdale's Chron. Ser.

minister the law and justice indifferently without respect to persons; and notwithstanding the old error amongst you, which did not admit any witness to speak, or any other matter to be heard in the favour of the adversary, her majesty being party, her highness's pleasure was, that whatsoever could be brought in the favour of the subject, should be admitted to be heard. And moreover that you specially, and likewise all other justices, should not persuade themselves to sit in judgment otherwise for her highness than for her subject."[1] Certainly Throckmorton had reason for his complaint that his judges did not obey the queen's commandment.

The new chief justice was knighted on October 2, — the day after the coronation[2]; and one of the earliest commissions he was named upon was that for the trial of Lady Jane Grey on November 13, when she pleaded guilty, and was condemned by him to be burned alive on Tower Hill, or beheaded, as the queen should please.[3] Morgan remained chief justice for nearly two years after this, his successor Sir Robert Brooke being appointed on October 8, 1555. His death, however, did not take place till the following year, when he was buried on June 2, at St. Magnus, London Bridge.[4] His removal from the bench before his death gives some weight to the story that he became mad from the bitter remembrance of the dreadful sentence he had pronounced upon the Lady Jane, and that in his raving he cried continually to have her taken away from him.[5]

PORTMAN, WILLIAM.

Q. B. 1553. Ch. Q. B. 1555.

See under the Reigns of Henry VIII. and Edward VI.

The Portmans flourished in the county of Somerset from a period earlier than the reign of Edward I. The judge's

[1] Holinshed (1808), iv. 45.
[2] 4 Report Pub. Rec., App. ii. 238.
[3] Machyn's Diary, 335.
[4] Machyn's Diary, 106.
[5] Holinshed, iv. 23.

grandfather William, by his marriage with Christian the daughter and heir of William Orchard, acquired the estate of that name in the same county, to which he added his own; and it still remains with the double designation in the family. This William was a reader in the Middle Temple in 1509 and 1515; and if his son John was the person buried in the Temple church in 1521, he also was a member of the Middle Temple. It was natural therefore that the judge should pursue his legal studies in the same society in which his grandfather and father were brought up; and he is accordingly found among the readers of that house in autumn, 1532, and Lent, 1540.[1] He was called to the degree of the coif in the following Trinity Term, and was nominated one of the king's serjeants on November 23 of the same year. In January, 1541, he was sent to Plymouth on a commission to examine into an unlawful assembly of its inhabitants "uppon a Portugalles ship."[2]

His elevation as a judge of the King's Bench took place on May 15, 1546; and on the death of King Henry in the following year, he was continued in his seat, which he retained during the whole of Edward's reign, and for the first two years of Mary's, when he was raised to the head of his court on June 11, 1555, in the place of Sir Thomas Bromley.[3] His name frequently appears in the commissions for the trial of state prisoners, among whom was Sir Nicholas Throckmorton. Judging from the very cursory observations he made on that occasion, it does not appear that any peculiar activity dictated his subsequent appointment as chief justice.[4] He presided over his court for little more than a year and a half, his death occurring on February 5, 1557. Machyn

[1] Dugdale's Orig. 173. 215, 216. The author erroneously describes the first, instead of the second William, as afterwards chief justice.

[2] Acts Privy Council, vii. 115.

[3] Dugdale's Chron. Series.

[4] 4 Report Pub. Rec., App. ii. 218—253.; State Trials, i. 894.

describes the order of his funeral at St. Dunstan's-in-the-West, at which six judges and seven serjeants attended, "and after, all the ynes of the courte, ij. and ij. together."[1] The epitaph on his monument is given in Maitland's "London," p. 1095. Whatever religion he professed during the reign of Edward, he clearly belonged to the Roman Catholic body in the last years of his life, and was considered so earnest in that faith, as to be sent to Sir James Hales his brother judge, then in the Fleet, to persuade him to recant.[2]

"Nature," says David Lloyd, "did this person some wrong in his body, but made him amends in his soul; the *fails* of the one, are *foils* to set off the other;" and describing in his usual pithy phrases eight points of character which "carry disgrace and downfall" to a courtier, he attributes to the judge the several virtues which are in contrast with them.[3]

Sir William's grandson was honoured with a baronetcy in 1612, which failed in 1695 by the death of the fifth baronet without issue. The Barony of Portman of Orchard-Portman was granted on January 27, 1837, to Edward Berkeley Portman the present lord, a descendant of the eldest daughter of the first baronet, whose estates devolved upon him.[4]

RASTALL, WILLIAM.

Just. Q. B. 1558.

See under the Reign of Elizabeth.

ROCHESTER, Bishop of. *See* N. Heath.

SAUNDERS, EDWARD.

Just. C. P. 1553. Ch. Q. B. 1557.

See under the Reign of Elizabeth.

[1] Machyn's Diary, 125.
[2] Wotton's Baronet. i. 221.
[3] State Worthies, 397—400.
[4] Hutchins's Dorsetsh. i. 87.

SAXILBY, EDWARD.

B. E. *1553.*

See under the Reigns of Edward VI. and Elizabeth.

STAUNFORD, WILLIAM.

JUST. C. P. *1554.*

THE grandfather of William Staunford was Robert Staunford of Rowley in Staffordshire; and his father was William Staunford of London, mercer, who married Margaret the daughter and heir of —— Gedney of London. His birth took place in his father's house at Hadley in Middlesex, on August 22, 1509. After receiving a classical education at Oxford, he pursued his legal studies at Gray's Inn. Admitted there in 1528, he was called to the bar in 1536, and was appointed reader to the society in autumn, 1544; but being then prevented from executing the office on account of the plague, he read in the following Lent, and again as double reader in Lent, 1551.[1]

Though not introduced by Dugdale into the list of attorneys-general, he so designates himself on May 3, 1545, in his surrender to King Henry of all the title he had in the rectory of South Mymes in Middlesex.[2] The date of his nomination to that office does not appear; and it is certain that he did not hold it later than the 18th of the following month, when Henry Bradshaw received the appointment. Edward VI. called him to the degree of the coif on May 19, 1552; and on October 19, 1553, three months after the accession of Mary, whose religion he professed, he was made one of the queen's serjeants. He was named on the commission under Edward which deprived Bishop Tunstall,—a sentence which in the first year of Queen Mary was set aside[3]; and he con-

[1] Dugdale's Orig. 293.
[2] Rymer, xv. 69.
[3] Ibid. xv. 346.

ducted on the part of the crown the prosecution against Sir Nicholas Throckmorton, in which, making allowance for the difference of times, he does not seem to have pressed the prisoner with any unfair harshness. Indeed, he exhibited the appearance of being somewhat posed by the arguments adduced by Throckmorton, saying to him at one time, "You and I may not agree this day in the understanding of the law, for I am for the Queen, and you speak for yourself;" and at another, "If I had thought you had been so well furnished with Book Cases I would have been better provided for you."[1]

A few months after this trial, which took place on April 17, 1554, Staunford was raised to the bench, evidently as the successor of Sir James Hales. The patent of his appointment is not given; but the first fine levied before him was in the month after Michaelmas, 1554[2], so that it is probable that Hales's place was left open for nearly a year, under the idea that he might fully recant, or perhaps till his death. The new judge was knighted by King Philip on January 27, 1555[3], and retained his seat in the Common Pleas during the rest of his life, which terminated on August 28, 1558, three months before the demise of Queen Mary. He was buried in Hadley church.

He was a great and learned lawyer, and distinguished himself not only by encouraging the first publication of Ranulph de Glanville's "Tractatus de Legibus et Consuetudinibus Angliæ,"[4] but also as the author of two highly esteemed works, viz. a Treatise on the Pleas of the Crown, and an Exposition of the King's Prerogative, the former of which is still of great authority. The antithetical David Lloyd describes his character in his usual encomiastic manner, and sums it up thus: "He had those lower virtues that draw

[1] State Trials, i. 869.
[2] Dugdale's Orig. 48.
[3] Machyn's Diary, 342.
[4] Coke's 4 Inst. 345.

praise from the vulgar, which he neglected (knowing that they were more taken with appearances than realities); he had middle, that they admired and good men observed; he had his highest virtues, which they received and great men honoured. In a word, a fragrant fame he had, that filled all round about, and would not easily away."[1]

His wife Alice, the daughter of John Palmer, Esq., survived him, and took as her second husband Roger Carew, Esq., of Hadley. By her he had issue six sons and four daughters. The name is frequently spelled Stamford by Dyer, Coke, and other reporters, and also on the tomb of his wife in Hadley church.[2]

WHIDDON, JOHN.

JUST. Q. B. 1553.

See under the Reign of Elizabeth.

WINCHESTER, BISHOP OF. *See* S. GARDINER.

WORCESTER, BISHOP OF. *See* N. HEATH.

YORK, ARCHBISHOP OF. *See* N. HEATH.

[1] Lloyd's State Worthies, 219.

[2] Wood's Athen. Oxon. i. 262.; Machyn's Diary, 366.; Chalmers.

ELIZABETH.

Reigned 44 years, 4 months, and 7 days; from November 17, 1558, to March 24, 1603.

SURVEY OF THE REIGN.

THE principal legal incident that distinguished the reign of Elizabeth was the settlement of the disputed question as to the difference between the powers attaching to the office of lord keeper of the Great Seal, and those which belonged to the lord chancellor. The title of the one being obviously superior to that of the other, the natural presumption would be that his authority also was greater; and the previous history of the two offices seemed to warrant such an inference.

In the first six reigns after the Conquest, although there were several vice chancellors, "agentes vices Cancellarii," either at home or abroad, when the chancellor was not present, no instance occurred of a separate and independent keeper of the Seal being appointed. The reign of Henry III. affords the first example of a distinction being drawn between the office of chancellor and the custody of the Seal; and that, curiously enough, occurs not in reference to two individuals claiming different rights, but in regard to one person, Ralph de Neville, Bishop of Chichester, who at the time had possession of the Seal with the title of lord chancellor. While enjoying that office, he obtained in 1232 two patents from the king both dated on the same day, one granting him the chancellorship for his life, and the other granting him the

custody of the Seal for his life.[1] But the patents contain no explanation of the different duties or privileges belonging to either office. Though he remained chancellor till his death in 1244, for six years before that event the Seal was out of his possession, and its custody was apparently entrusted to other persons, who may, however, have been merely officers of the court. But for seventeen years after Neville's death there is no proof that there was any chancellor at all, — those who during that period performed the functions of the office being described only as receiving *the custody of the Seal*, and one of them, William de Kilkenny, being on his retirement in 1255 exonerated from all demands "de tempore quo fuit CUSTOS SIGILLI NOSTRI in Angliâ."[2]

This is the first instance of the official use of that title. In 1261 the office of chancellor was revived; and for nearly two centuries and a half afterwards, although there were many occasions on which the Seal was temporarily deposited with different individuals, there was always a chancellor at the same time, during whose occasional absence these persons were commissioned to act, except in the short intervals which sometimes occurred between the retirement or death of one chancellor and the nomination of another. In the reign, indeed, of Edward II., it may be doubtful whether Walter Reynolds, Bishop of Worcester and Archbishop of Canterbury, resumed the title of chancellor (which he had formerly held) when the Seal was restored to him in 1312; but the peculiar position of the kingdom at that time renders this an exceptional case.

The first undoubted appointment of a lord keeper *instead* of a chancellor may be considered as occurring in the reign of Henry VII., when Henry Dene, Bishop of Salisbury, a month after the death of the chancellor Archbishop Morton,

[1] See Vol. II. p. 139.

[2] Rot. Pat. 39 Hen. III., m. 5.

was constituted keeper of the Seal on October 13, 1500. His successor also, Bishop Warham, in August, 1502, received the same title, which on his being elevated to the Archbishoprick of Canterbury was in January, 1504, changed to that of chancellor. It had not hitherto been the practice in the records of appointment to allude to, much less to define, the duties which appertained to the two offices; but, as that of keeper had been in most instances of a temporary nature, and in many conferred by the chancellor himself, it could not but be esteemed of inferior dignity,—the more especially when in the last case the promotion to the primacy was made the occasion of conferring on the keeper the title of chancellor. But whatever its inferiority in point of rank, its judicial duties seem to have been the same as those which devolved on the chancellor, since bills in Chancery were addressed even to the temporary keepers of the Seal.

On the appointment of Sir Thomas Audley as lord keeper, however, by Henry VIII., it is evident that some doubt had arisen as to the extent of his power in this respect, inasmuch as, for the first time, words were inserted in his patent expressly declaring that he was "to do all things, as well in the Court of Chancery as in the Star Chamber and Council, as the Chancellor of England was accustomed to do."[1] Audley in the course of eight months was also raised to the superior title of chancellor.

This does not seem to have satisfied Sir Nicholas Bacon; for, though by the record of his appointment by Queen Elizabeth as lord keeper it appears that he was invested with the same powers, a special reference being made to those granted to Sir Thomas Audley[2], yet so doubtful was he of his authority to hear causes, that within two months he obtained letters patent, not only giving him in distinct terms full power in that respect, but also declaring that

[1] Claus. 24 Hen. VIII., m. 24.

[2] Ibid. 1 Eliz., p. 12.

he "shall in no wise be ympeachable" for any act done since the Seal was committed to him, otherwise than he would have been had he been chancellor at the time.[1] The accumulation of business in his court, and the serious responsibilities it involved, no doubt prompted the cautious lord keeper to take this step, and afterwards still further to secure himself and to remove all question by a parliamentary enactment. Accordingly, early in the year 1563, a statute was passed, somewhat adventurously declaring that the common law always was that the keeper of the Great Seal had, and enacting that he thenceforth should have, the same "place, authority, pre-eminence, jurisdiction, execution of laws, and all other customs, commodities and advantages," as if he were lord chancellor of England.[2]

After this legislative recognition of their equal rights and authority, it is difficult to understand why for the next two hundred years one man should be called only lord keeper, while another should be distinguished with the title of chancellor; and the fact that several of those who at first were invested with the former, were ultimately raised to the latter, title plainly proves that, notwithstanding the statute gave them identical privileges, it did not remove the former inequality of rank. In the latter part of this period, the elevation of some of the keepers to the peerage may to a certain degree account for the change; but that this reason did not operate in the reign of Queen Elizabeth, when all the five who held the seals were commoners, and yet two of them were dignified by the title of chancellor, will appear from the following account of their succession.

LORD CHANCELLORS AND KEEPERS.

Notwithstanding the activity displayed by Archbishop Heath in securing the peaceful accession of Queen Elizabeth,

[1] Egerton Papers, 29.

[2] Stat. 5 Eliz. ch. 18.

the Great Seal, which he of course surrendered on that occasion, was not replaced in his hands.

NICHOLAS BACON, the attorney to the Court of Wards, received it on December 22, 1558, as keeper, and was thereupon knighted. He held it for above twenty years; and after his death on February 20, 1579, the queen kept it in her possession for more than two months, during which she seven times delivered it out, "pro tempore," as the record says, to two of her councillors to seal the necessary writs, and immediately received it back from them. These were always Lord Burleigh and the Earl of Leicester, except on one occasion, when Sir Francis Walsingham was substituted for the latter; but they were never named as keepers, nor did they perform any other of the customary duties of the office.

SIR THOMAS BROMLEY, the solicitor-general, was at last selected as Bacon's successor, and created lord chancellor on April 26, 1579.[1] He died in his office on April 12, 1587, having retained it nearly eight years. After about a fortnight's interval, during which the necessary writs were three times sealed, as before, in the queen's presence by some of her councillors,

SIR CHRISTOPHER HATTON, the queen's vice chamberlain, was constituted lord chancellor on April 29, 1587.[2] He died, also in possession of the office, on November 20, 1591.

Six months elapsed before Elizabeth determined on a new chancellor or keeper, during which the duties were divided by virtue of two commissions issued two days after Sir Christopher Hatton's death. By one of these she appointed Lords Burleigh, Hunsdon, Cobham, and Buckhurst to use the Seal, and bills in Chancery were directed to them as lords commissioners; by the other she empowered Sir Gilbert Gerard, master of the Rolls, and others, to hear and determine the causes in Chancery.[3] Justices Francis Gawdy, Clench,

[1] Rot. Claus. 21 Eliz. p. 24.
[2] Ibid. 29 Eliz., p. 24.
[3] Ibid. 34 Eliz., p. 11.

Peryam, and Wyndham were the judges named in this commission.[1]

SIR JOHN PUCKERING, one of the queen's serjeants, was at last made lord keeper on May 28, 1592[2], and retained the Seal till his death on April 30, 1596. In the course of a week

SIR THOMAS EGERTON, master of the Rolls, was on May 6 declared lord keeper[3]; and the Great Seal remained in his custody during the last seven years of the reign.

York House in the Strand seems at this period to have been the favorite residence of the keepers of the Great Seal. It was formerly called Norwich House, being the town mansion of the bishops of that see, and acquired the name of York House on being purchased by Archbishop Heath in 1557, in exchange for Suffolk Place in Southwark, which Queen Mary had granted to the Archbishops of York in lieu of their palace, now Whitehall, seized by Henry VIII. from Cardinal Wolsey.[4] It is doubtful whether Archbishop Heath or any of his successors ever occupied York House; for the license to elect a new archbishop after Heath's deprivation was dated on July 25, 1560; and York House then became the residence of Lord Keeper Sir Nicholas Bacon, whose son the celebrated Lord Bacon was born there on January 22, 1561. Sir Nicholas died there on February 20, 1579. Lord Chancellor Bromley's town residence is not mentioned; and Sir Christopher Hatton's was in Holborn, but after his death in November, 1591, there is no doubt that the occupation of York House was resumed by the keepers of the Great Seal. Sir John Puckering held it under a lease from the archbishop, which enabled his widow to keep possession for a year after his death. A new lease was then granted to Sir Thomas Egerton[5], who died in it. Lord Bacon inhabited it till his

[1] Woolrych's List, 23.
[2] Claus. 34 Eliz., p. 11.
[3] Ibid. 38 Eliz., p. 14.
[4] Stow's London (Thoms), 167.
[5] Egerton Papers, 222.

disgrace in 1621, when it ceased to be the residence of lawyers, being three years afterwards transferred to George Villiers, Duke of Buckingham. Towards the end of that century the buildings were demolished, and the site was converted into the streets and alleys which are now known by the names and title of that nobleman.

Among the Egerton MSS. is an account of the official income of the lord keeper in the year 1596 [1]: —

"Fees certen incident to your Lordship's place as Lord Keeper.

Your L. Dyett at 23s. ℔ Diem - - -	cccxx^{li} xviii^{s}
Your L. Annuitie - - - - -	cccc^{li}
For your Attendance in the Starre Chamber, ℔ Annum	cc^{li}
Your L. Sommer Lyverie - - - -	xiij^{li} vj^{s} viij^{d}
Your Wynter Lyverie - - - -	xxvj^{li} xiij^{s} iiij^{d}
Impost fee 10 tonnes of Wyne - - -	xxv^{li} ij^{s} iiij^{d}
Butlerage - - - - - -	^{xx}iiijxvj^{d}
Wax lightes - - - - - -	xvj^{li}

In toto fees certen ^{xx}Miiijx viij^{li} vi^{d}

"Fees uncerten incydent to your place as Lord Keeper.

Patentes and perpetuities, exemplifications sealed within the yere - - - - -	cciij^{li}
Casual fynes in one yere - - - -	^{c}vj^{li}
Special Dedimus potestat ℔ Ann. - - -	xl^{s}
Injunctions ℔ Ann. - - - - -	^{xx}iij^{li}
Fees out of the Offyces of Faculties ℔ Ann. -	xl^{s}

In toto fees casual and uncerten viij^{c} iiij^{xx} xiij^{li}
In toto fees certen and uncerten Mix^{c} iiij^{xx} xi^{li}."

MASTERS OF THE ROLLS.

During this long reign of above forty-four years there were only three masters of the Rolls.

[1] To the kindness of my friend John Payne Collier, Esq., F.S.A., I am indebted for the inspection and use of these interesting papers, and for many other proofs of his readiness to render assistance to those pursuing literary and antiquarian investigations.

SIR WILLIAM CORDELL, who had occupied the office for a year in the previous reign, served Queen Elizabeth for twenty-three years in the same character. Dying on May 17, 1581, he was succeeded by

SIR GILBERT GERARD, the attorney-general, on May 30[1], whose tenure extended to nearly twelve years. He died before April 10, 1593, after which the office remained vacant for a year,—

SIR THOMAS EGERTON, the attorney-general, not being appointed till April 10, 1594[2], and a warrant being directed to Lord Burleigh and Sir John Fortescue, in the following July, to inquire what had been the profits of the office "between the death of Sir Gilbert Gerard and the entry of Sir Thomas Egerton."[3] On Sir Thomas's elevation to be keeper of the Great Seal on May 6, 1596, no successor to the mastership of the Rolls was appointed; so that he filled both offices till Queen Elizabeth's death on March 24, 1603.

In 1597 Sir Thomas, by virtue of his patent, granted a deputation to the eminent antiquary William Lambarde, then a master in Chancery, expressly confined to the custody of the Rolls' House, and the safe keeping and ordering of the Records, no words being inserted which either express or imply any delegation of the judicial authority.[4]

The salary, &c., of the master of the Rolls and of the masters in Chancery at this time are thus described: —

"Master of the Rowles: —			
Fee, out of the Exchequer	34	10	0
Lyvery, out of the Hamper	8	14	0
Wyne, one Tunne	6	13	4
Masters of the Chauncery: —			
Fee, a piece	6	13	4"[5]

[1] Pat. 23 Eliz., p. 1. [2] Ibid. 36 Eliz., p. 5. [3] Egerton Papers, 194.
[4] Discourse on the Judicial Authority of the Master of the Rolls, 33.
[5] Peck's Desid. Cur. ii. 1.

Masters in Chancery.

The names prior to 40 Elizabeth are collected from "Legal Judicature in Chancery," Dr. Coote's "Catalogue of English Civilians," and other sources; after that date they are principally given from Mr. Hardy's correct list in his "Catalogue of Chancellors, &c."

Sir William Cordell, M. R.	1 to 23	Eliz.
Sir Richard Read, LL.D.	1 to 17	—
David Lewes, LL.D.	1 to 26	—
—— Vaughan	3–4	—
Thomas Huyck, LL.D., Chancellor of London	3 to 17	—
Robert Weston, LL.D., Dean of Wells, afterwards Chancellor of Ireland	4 to 9	—
John Belley, LL.D., Chancellor of Lincoln	?	—
Henry Hervèy, LL.D., Archdeacon of Middlesex	11 to 26	—
David (?Thomas) Yale, LL.D.	17	—
Robert Lougher, LL.D., Chancellor of Exeter	? to 25	—
——— Forth, LL.D.	21	—
Sir Gilbert Gerard, M. R.	23 to 35	—
—— Harris, LL.D.	25	—
Sir Matthew Carew, LL.D.	25 to 45	—
Sir Richard Swale, LL.D.	25 to 45	—
Julius Cæsar, LL.D., Judge of the Admiralty	30 to 33	—
Sir Edward Stanhope, LL.D., Chancellor of London	36 to 45	—
Sir Thomas Egerton, M. R.	36 to 45	—
Thomas Binge, LL.D.	? to 42	—
Thomas Legge, LL.D.	38 to 45	—
John Hone, LL.D.	38 to 45	—
Richard Cosin, LL.D., Chancellor of Worcester	? to 40	—
Lawrence Hussey, LL.D.	38 to 44	—
William Lewen, LL.D.	38 to 40	—
William or John Hunt, LL.D.	38 to 45	—
Sir John Amye, LL.D.	38 to 45	—
William Lambarde	40 to 43	—
John Tyndall	40 to 45	—
George Carewe, LL.D.	42 to 45	—
Edward Grymstone	43–44	—
Henry Hickman, LL.D.	44–45	—

It is evident from the "Ordinatio Cancellarie" noticed

under the reign of Henry V.[1] that the masters in Chancery were then in the habit of attending in Court, and were authorized to exercise a limited power as judges; and there is nothing to show that the practice was discontinued in subsequent reigns. From an order of Court, however, dated April 13, 1588, it appears that the masters had become somewhat negligent of this duty; for by it Sir Christopher Hatton, in the second year of his chancellorship, after noticing that "of late years the Court of Chancery hath been for the most part unfurnished of such masters of the Chancery as are in ordinary, and have her Majesty's fee to attend there," orders that four of them "shall daily in their course attend at or in the said Court of Chancery, upon the bench there;" and that two of them shall likewise "attend on every Monday, Tuesday, and Thursday in the afternoons, at the lord chancellor's house, to assist his lordship in such causes as there shall be opened and heard before him in every term."[2] This affords a proof also that Sir Thomas More's practice of hearing cases at his own house was continued by the chancellors of this reign.

The Court of Chancery was as much the subject of complaint then as it is now. In 1595, a commission was issued to Lord Keeper Puckering, and Sir Thomas Egerton, the Master of the Rolls, to inquire into and reform the abuses and excessive fees of the court; and on Puckering's death, the new Lord Keeper Egerton determined to pursue the inquiry. Within twelve days after his appointment, nine of the masters in Chancery addressed him on the subject, sending him certain "perticularities in writing wherein wee right humbly beseeche your Lp. to vouchesafe us your honourable favor."[3]

Sir Christopher Hatton having suspended his secretary,

[1] See Vol. IV. p. 188.
[2] Egerton Papers, 125.
[3] Ibid. 214.

Mr. Cox, for taking fees to obtain his master's influence with the queen, that officer addressed to him a letter, in which he says, "that there liveth not so grave nor so severe a judge in England, but he alloweth his poor clerk under him, even in the expedition of matters of greatest justice, to take any reasonable consideration that should be offered him by any man for his pains and travail. It is the poor man's whole maintenance, and without it he could not live."[1] If such a practice was really recognised, it would be difficult to believe in the purity of those who permitted it.

On the day following the accession of Queen Elizabeth, new commissions were issued to all the judges; but, according to Hayward, they were to continue only till the end of the term (when several judicial changes actually took place), and were accompanied by a prohibition against their bestowing any office in the meantime.[2] They immediately held a conference on the effect of the statute 1 Edw. VI., c. 7., "for the continuance of actions on the death of the king;" and one of their resolutions was, "That all patents of the judges and barons and sheriffs and justices of the peace are determined by the death of the king who made them."[3]

The expenses of the judges on circuit for their diet and lodging had been hitherto borne by the sheriffs; but the charges had gradually increased so largely beyond what was allowed in their accounts, that many gentlemen pleaded their inability to support the burden of the office. An order of council was accordingly made on February 21, 1574, directing that the "justices shall have of her Majesty several sums of money out of her coffers for their daily diet," thus relieving the sheriffs from the charge.[4]

The business of the terms was frequently interrupted during this reign, and the sittings removed from West-

[1] Nicolas's Hatton, 390.
[2] Hayward's Annals, 11.
[3] Dyer's Reports, 165.
[4] Dugdale's Orig. 335.

minster, in consequence of various visitations of the plague and sweating-sickness. In 5 and 6 Eliz. the terms were first adjourned from Michaelmas to the octave of St. Hilary at Westminster, and thence to be held at Hertford. Again, the courts were wholly adjourned in Michaelmas 12 Eliz.[1], and partially in 19 Eliz.[2] In 25 and 35 Eliz. the judges again sat at Hertford[3]; and the inscription in the abbey of St. Alban's, noticed under Henry VIII., shows that the terms were held there in this reign also. It is to this latter fact that Beaumont and Fletcher allude in "Wit without Money," act. iii. scene iv., when they make Lance speak of

> "Taverns wither'd,
> As though the term lay at St. Albans."

London was not the only place which was visited by infectious diseases. The summer circuit of 1577, 19 Eliz., was rendered memorable by a dreadful mortality, which occurred at the Castle of Oxford from the stench of the prisoners brought up to be tried there. It was distinguished by the name of the "Black Assize;" and its victims amounted to three hundred persons, among whom were the presiding judge Chief Baron Bell, the sheriff, Serjeant Barham, and several knights and gentlemen of the county.[4] A similar visitation, arising apparently from the same causes, happened at the spring assizes held at Exeter on March 14, 1586, which though not quite so fatal in its extent, resulted in the death of Baron Edward Flowerdew, and several persons of wealth and station.[5]

The disinclination of Queen Elizabeth to grant titles is particularly remarkable in reference to the judges. In the previous reigns they had all received the honour of knighthood; and those whom she found on the bench at her accession had

[1] Dyer's Reports, 255. 286.
[2] Dugdale's Orig. 120.
[3] Chauncy's Herts, 246. 248.
[4] Camden's Eliz. in an.
[5] Holinshed, iv. 868.

been so distinguished, except Robert Catlin and William Rastall, who had only been appointed three weeks before Mary's death. Besides these two there were twenty-seven new judges under Elizabeth, only two of whom, Sir Thomas Gawdy and Sir Anthony Browne, were knighted, except those who were raised from the lower to the chief seats in the courts. The chief barons were also knighted, but not one of the seventeen puisne barons who were successively nominated. Yet her minister Burleigh was always anxious that the judges should be both wealthy and personable. In a letter to his son, Sir Robert Cecil, evidently written in 1598, he says, "As to the choice of a baron, I think Serjeant Heale, both for learning, wealth and strength of body to continue, being also a personable man, which I wish to be regarded in the choice of such as are of public calling." [1] That these were not, however, the only qualities to which this sage minister looked for candidates for the bench, appears from this same letter, and others which he addressed to the queen and to his son, Sir Robert Cecil.

The judges received the following salaries, &c., about the time of Lord Burleigh's death (1598): —

	£	s.	d.
"The Lord Cheefe Justice of England: —			
Fee, reward, and robes	208	6	8
Wyne, 2 tunnes at 5*l.* the tunne	10	0	0
Allowance for being justice of assise	20	0	0
"The Lord Cheefe Justice of the Common Pleas: —			
Fee, reward, and robes	141	13	4
Wyne, 2 tunnes	8	0	0
Allowance as justice of assise	20	0	0
Fee for keeping the assise in the Augmentation Court	12	10	8
"Each of three Justices in these two Courts: —			
Fee, reward, and robes	128	6	8
Allowance as justice of assise	20	0	0

[1] Peck's Desid. Cur. b. v. 24.

	£	s.	d.
"The Lord Cheefe Baron of the Exchequer: —			
Fee	100	0	0
Lyvery	12	17	8
Allowance as justice of assise	20	0	0
"Each of the three Barons: —			
Fee	46	13	4
Lyvery a peece	12	17	4
Allowance as justice of assise	20	0	0[1]"

CHIEF JUSTICES OF THE QUEEN'S BENCH.

SIR EDWARD SAUNDERS, the chief justice at the end of the last reign, though a Catholic, was allowed to retake his seat on the accession of Elizabeth, but in two months was removed to the Exchequer as chief baron.

SIR ROBERT CATLIN, a judge of the Common Pleas, was constituted chief justice of the Queen's Bench on January 22, 1559, and after holding the place for nearly sixteen years, died, when

SIR CHRISTOPHER WRAY (a judge of this court) received the appointment on November 8, 1574, which he retained for about seventeen years.

SIR JOHN POPHAM, the attorney-general, succeeded him on June 2, 1592, and presided over the court during the eleven remaining years of the queen's reign.

JUSTICES OF THE QUEEN'S BENCH.

I.	1558. Nov.	John Whiddon, William Dalison, William Rastall,	The former judges, were all re-appointed.
	1559. Oct. 16.	Reginald Corbet, vice W. Dalison.	
V.	1563. Feb. 10.	John Southcote, vice W. Rastall.	
VIII.	1566. ?	Thomas Carus, vice R. Corbet.	
XIV.	1572. May 14.	Christopher Wray, vice T. Carus.	
XVI.	1574. Nov. 16.	Thomas Gawdy, vice C. Wray.	
XVIII.	1576. May 15.	John Jeffrey, vice J. Whiddon.	
XX.	1577. ?	William Ayloff, vice J. Jeffrey.	

[1] Peck's Desid. Cur. ii. 2.

XXVI. 1584. May 24. John Clench, vice J. Southcote.
XXVIII. 1586. Feb. 8. Robert Shute, vice W. Ayloff.
XXXI. 1588. Nov. 25. Francis Gawdy, vice T. Gawdy.
XXXII. 1590. May 26. Edward Fenner, vice R. Shute.
XLIV. 1602. Feb. 8. Christopher Yelverton, vice J. Clench.

The judges of this court at the end of the reign were
Sir John Popham, chief justice,
Francis Gawdy, Edward Fenner,
Christopher Yelverton.

Chief Justices of the Common Pleas.

Anthony Browne, the day after Queen Elizabeth came to the crown, had a renewal of the patent of chief justice of this court, which he had received only six weeks before. He was removed two months after from this seat to that of a puisne judge of the same court, and his place was immediately supplied by

Sir James Dyer, one of the judges of the Common Pleas, on January 22, 1559, who presided for above twenty-three years. On his death,

Edmund Anderson, queen's serjeant, was constituted chief justice on May 2, 1582, and enjoyed the office during the remainder of the reign.

Justices of the Common Pleas.

I. 1558. Nov. Humphrey Browne, James Dyer, Robert Catlin, } The judges at Mary's death, received new patents.
1559. Jan. 22. Anthony Browne, late Ch. C. P., vice J. Dyer.
Oct. 16. Richard Weston, vice R. Catlin.
V. 1563. Feb. 10. John Walsh, vice H. Browne.
IX. 1567. ? Richard Harpur, vice A. Browne.
XIV. 1572. Oct. 14. Roger Manwood, vice J. Walsh.
Oct. 31. Robert Monson, vice R. Weston.
XX. 1577. Nov. 20. Thomas Meade, vice R. Harpur.
XXI. 1579. ? Francis Wyndham, vice R. Manwood.
XXIII. 1581. Feb. 13. William Peryam, vice (?) R. Monson.
XXVII. 1585. June 29. Francis Rodes, vice T. Meade.

XXXI. 1589. May 10. Thomas Walmsley, vice F. Rodes.
XXXV. 1593. Jan. 25. Francis Beaumont, vice F. Wyndham.
XXXVI. 1594. Jan. 21. Thomas Owen, vice W. Peryam.
XL. 1598. June 30. John Glanvill, vice F. Beaumont.
XLI. 1599. Feb. George Kingsmill, vice T. Owen.
XLIII. 1600. Nov. 24. Peter Warburton, vice J. Glanvill.

At the end of the reign this bench was filled by

Sir Edmund Anderson, chief justice,
Thomas Walmsley, George Kingsmill,
Peter Warburton.

CHIEF BARONS OF THE EXCHEQUER.

SIR CLEMENT HEIGHAM, the chief baron at the death of Mary, like both his brother chiefs, retained his seat for the first two months only of Queen Elizabeth's reign.

SIR EDWARD SAUNDERS, the late chief justice of the King's Bench, superseded him on January 22, 1559, and presided in the court for eighteen years. He was succeeded by

SIR ROBERT BELL, speaker of the House of Commons, on January 24, 1577, who died before the end of the year, of a malady caught at the summer assizes at Oxford, when

SIR JOHN JEFFREY, one of the judges of the Queen's Bench, was appointed on October 12, 1577, but scarcely a year had elapsed ere he also died; and

SIR ROGER MANWOOD was removed from a puisne judgeship in the Common Pleas to the chief seat in the Exchequer on November 17, 1578. He occupied it about fourteen years, when, on his death,

SIR WILLIAM PERYAM, one of the judges of the Common Pleas, was constituted chief baron in Hilary Term, 1593, and so continued till the end of the reign.

BARONS OF THE EXCHEQUER.

I. 1558. Nov. Nicholas Luke, Edward Saxilby, Robert Brown, } The former barons, were not at first removed.
1559. Jan. 31. George Frevile, loco R. Brown.

IV.	1562. Sept. 30.	Thomas Pymme, loco E. Saxilby.
VI.	1564. May 9.	John Birch, loco ? N. Luke.
VIII.	1566. Nov. 12.	James Lord, loco T. Pymme.
XVIII.	1576. Jan. 20.	Thomas Greek, loco J. Lord.
XX.	1577. Nov. 28.	Christopher Muschampe, loco T. Greek.
XXI.	1579. June 1.	Robert Shute, loco G. Frevile ?
	16.	John Sotherton, loco C. Muschampe.
XXIV.	1581. Nov. 27.	John Clench, loco J. Birch.
XXVI.	1584. Oct. 23.	Edward Flowerdew, loco J. Clench.
XXVIII.	1586. Jan.	Thomas Gent, loco R. Shute.
XXIX.	1587. June 22.	Robert Clarke, loco E. Flowerdew.
XXXVI.	1594. Feb. 1.	Matthew Ewens, loco T. Gent.
XL.	1598. July 1.	John Savile, loco M. Ewens.

The barons on the death of Queen Elizabeth were
Sir William Peryam, chief baron,
John Sotherton, Robert Clarke,
John Savile.

During the first twenty years of this reign the puisne barons of the Exchequer held the same inferior rank as their predecessors, and were incapable of performing several of the duties devolving on the other judges. In the conference held on the queen's accession as to the continuance of actions on the demise of the crown, they were not present, though the chief baron, and even the attorney and solicitor-general were [1]; they did not go the circuits, though the attorney-generals and serjeants-at-law often received such commissions [2]; the value of the rings presented to them by a new serjeant was considerably less than that of the rings received by the judges [3]; and one of them, George Frevile, filled the office of reader after he was appointed baron.[4] But in the 21st year, 1579, a change took place. The general increase of litigation occasioned by the extension of commerce rendered necessary an augmentation of the judicial staff; and the gradual combination of civil and revenue cases, by the fraudulent use of the writ of *Quo nimis*, requiring the aid of learned lawyers for their decision, it was wisely

[1] Dyer's Reports, 165.
[2] Jenkin's Reports, 5 Cent. Case 90.
[3] Dugdale's Orig. 125.
[4] Ibid. 217.

determined to effect both objects by placing the barons of the Exchequer on precisely the same footing as the judges of the Queen's Bench and Common Pleas. On the appointment, therefore, of Robert Shute as second baron in June, 1579, his patent specially declares that "he shall be reputed and be of the same order, rank, estimation, dignity and pre-eminence to all intents and purposes as any puisne (*inferior*) judge of either of the two other courts."[1] He had been already a serjeant for two years; and from that time every new baron in this reign, with the single exception of John Sotherton (appointed in the same month), was selected from that degree, and took his circuit as a judge of assize.

The order issued in 1591 for the regulation of the readings in the Inns of Court affords a proof of this alteration in the system. Though all former orders had been made by the judges of both benches only, this was made by the judges and barons together.[2]

TABLE OF THE CHANCELLORS AND KEEPERS OF THE SEAL, AND OF MASTERS OF THE ROLLS.

A.R.	A.D.	Lord Chancellors and Keepers.	Masters of the Rolls.
1	1558, Nov. 17		Sir William Cordell.
	Dec. 22	Sir Nicholas Bacon, *Keeper*,	—
21	1579, Feb. 20	died	—
	April 26	Sir Thomas Bromley, *Chanc.*	—
23	1581, May 30	—	Sir Gilbert Gerard.
29	1587, April 29	Sir Christopher Hatton, *Chanc.*	—
34	1591, Nov. 20	died	—
		Lord Burleigh and others for Seal; Sir G. Gerard and others to hear Causes	—
	1592, May 28	Sir John Puckering, *Keeper*	—
36	1594, April 10	—	Sir Thomas Egerton.
38	1596, May 6	Sir Thomas Egerton, *Keeper*	—
		The Queen died March 24, 1603.	

[1] Dugdale's Chron. Series, 94. In the *Origines*, p. 293., Dugdale says that John Birch, who was reader at Gray's Inn in 1551, and afterwards a serjeant, was a baron of the Exchequer; but he has apparently mistaken him for another John Birch, who was also a reader there in 1558.

[2] Dugdale's Orig. 311, 312, 313.

Table of the Chief Justices and Judges of the Queen's Bench.

A.R.	A. D.	Chief Justices.	Judges of the Queen's Bench.		
1	1558, Nov. 17	Edward Saunders	John Whiddon	William Dalison	William Rastall.
	1559, Jan. 22	Robert Catlin	—	—	—
	Oct. 16	—	—	Reginald Corbet	—
5	1563, Feb. 10	—	—	—	John Southcote.
8	1566, ?	—	—	Thomas Carus	—
14	1572, May 14	—	—	Christopher Wray	—
16	1574, Nov. 8	Christopher Wray	—	made Ch. Q. B.	—
	16	—	—	Thomas Gawdy	—
18	1576, May 15	—	John Jeffrey	—	—
20	1577, ?	—	William Ayloff	—	—
26	1584, May 24	—	—	—	John Clench.
28	1586, Feb. 8	—	Robert Shute	—	—
31	1588, Nov. 25	—	—	Francis Gawdy	—
32	1590, May 26	—	Edward Fenner	—	—
34	1592, June 2	John Popham	—	—	—
44	1602, Feb. 8	—	—	—	Christopher Yelverton.

Table of the Chief Justices and Judges of the Common Pleas.

A. R.	A. D.	Chief Justices.	Judges of the Common Pleas.		
1	1558, Nov. 17	Anthony Browne	Humphrey Browne	James Dyer	Robert Catlin.
	1559, Jan. 22	James Dyer	—	Anthony Browne	made Ch. Q. B.
	Oct. 16	—	—	—	Richard Weston.
5	1563, Feb. 10	—	John Walsh	—	—
9	1567, ?	—	—	Richard Harpur	—
14	1572, Oct. 14	—	Roger Manwood	—	—
	31	—	—	—	Robert Monson.
20	1577, Nov. 20	—	—	Thomas Meade	—
21	1579, ?	—	Francis Wyndham	—	—
23	1581, Feb. 13	—	—	—	William Peryam.
24	1582, May 2	Edmund Anderson	—	—	—
27	1585, June 29	—	—	Francis Rodes	—
31	1589 May 10	—	—	Thomas Walmsley	—
35	1593, Jan. 25	—	Francis Beaumont	—	—
36	1594, Jan. 21	—	—	—	Thomas Owen.
40	1598, June 20	—	John Glanvill	—	—
41	1599, Feb.	—	—	—	George Kingsmill.
43	1600, Nov. 24	—	Peter Warburton	—	—

TABLE OF THE CHIEF BARONS AND BARONS OF THE EXCHEQUER.

A. R.	A. D.	Chief Barons.	Barons of the Exchequer.		
1	1558, Nov. 17	Clement Heigham	Nicholas Luke	Robert Brown	Edward Saxilby.
	1559, Jan. 22	Edward Saunders	—	—	—
	31	—	—	George Frevile	—
4	1562, Sept. 30	—	—	—	Thomas Pymme.
6	1564, May 9	—	John Birch	—	—
8	1566, Nov. 12	—	—	—	James Lord.
18	1576, Jan. 20	—	—	—	Thomas Greek.
19	1577, Jan. 24	Robert Bell	—	—	—
	Oct. 12	John Jeffrey	—	—	—
20	Nov. 28	—	—	—	Christopher Muschampe.
21	1578, Nov. 17	Roger Manwood	—	—	—
	1579, June 1	—	—	Robert Shute	—
	16	—	—	—	John Sotherton.
24	1581, Nov. 27	—	John Clench	—	—
26	1584, Oct. 23	—	Edward Flowerdew	—	—
28	1586, Jan.	—	—	Thomas Gent	—
29	1587, June 22	—	Robert Clarke	—	—
35	1593, Feb.	William Peryam	—	—	—
36	1594, Feb. 1	—	—	Matthew Ewens	—
40	1598, July 1	—	—	John Savile	—

ATTORNEYS-GENERAL.

I. 1558. Nov. 17. Edward Griffin, who was Queen Mary's attorney-general, was removed when the changes were made in the chiefs of all the courts.

1559. Jan. 22. Gilbert Gerard was appointed. After filling the office for twenty-two years, he was made master of the Rolls, when

XXIII. 1581. June 1. John Popham, the solicitor-general, was promoted to the attorneyship. On his elevation as chief justice of the Queen's Bench,

XXXIV. 1592. June 2. Sir Thomas Egerton, the solicitor-general, succeeded him, but less than two years afterwards becoming master of the Rolls,

XXXVI. 1594. April 10. Edward Coke, also solicitor-general, was put in his place, and still retained it at the death of the queen in 1603.

The allowance to the attorney-general was a fee of 61*l.*, with 20*l.* as a justice of assize.[1]

[1] Peck's Desid. Cur. ii. 2.

Solicitors-General.

I. 1558. Nov. 17. Richard Weston, who had been solicitor-general during the last year of Queen Mary's reign, was two months after Elizabeth's accession promoted (as it was then considered) to the degree of serjeant; and

1559. Feb. 1. William Roswell was made solicitor.

VIII. 1566. June 27. Richard Onslow succeeded, and was followed by

XI. 1569. March 14. Thomas Bromley, on whose elevation to the post of Lord Chancellor,

XXI. 1579. June 26. John Popham was exonerated from his degree of serjeant which he had assumed in the preceding year, and received the appointment. His promotion to be attorney-general made way for

XXIII. 1581. June 28. Thomas Egerton; on whose succession to the same office,

XXXIV. 1592. June 16. Edward Coke became solicitor-general. He being within two years in like manner advanced, the office was left vacant more than eighteen months, when

XXXVII. 1595. Nov. 6. Thomas Fleming was appointed, and remained solicitor-general to the end of the reign.

The fee allowed to the solicitor-general was 50*l.*

Serjeants at Law.

The added initial marks the inn of court to which they belonged; and those who became judges are distinguished by an asterisk.

I. 1558. * Thomas Carus (M.),
* Reginald Corbet (M.),
* John Walsh (M.),
* John Southcote (M.),
William Simmonds,
George Wall (I.),
* Richard Harpur (I.),
Ranulph Cholmley (L.),
Nicholas Powtrell,
John Birch (G.).

1559. * Richard Weston (M.).

VIII. 1566. —— Baker.

IX. 1567. * Thomas Gawdy (I.), Nicholas Barham (G.),
* Roger Manwood (I.), * John Jeffrey (G.),
* Christopher Wray (L.), William Lovelace (G.).[1]
* Thomas Meade (M.),

XIV. 1572. * Robert Monson (L.).

This is the first instance of the degree of the coif being conferred for the purpose of making a judge; he being immediately placed on the bench of the Common Pleas.

XIX. 1577. * Robert Bell (M.), * Francis Gawdy (I.),
* William Ayloff (L.), * Edmund Anderson (I.),
Edward Baber (L.), * Robert Shute (G.),
* Francis Wyndham (L.), * Edward Fenner (M.).[2]

XX. 1578. * Francis Rodes (G.), * John Popham (M.).[3]

On John Popham's appointment as solicitor-general in 1579, he was exonerated.

XXII. 1580. * John Clerch (L.), * Edward Flowerdew (I.),
* John Puckering (L.), Thomas Snagge (M.),
* Thomas Walmsley (L.), * William Peryam (M.),
William Fleetwood (M.), Robert Halton (I.).

XXVI. 1584. * Thomas Gent (M.), Richard Shuttleworth (G.).

XXIX. 1587. Robert Gardiner (L.), * Robert Clarke (L.).[4]

XXXI. 1589. * Christopher Yelverton (G.), John Cooper (I.),
Thomas Hamond, * John Glanville (L.),
Thomas Harris (M.), * Thomas Owen (L.),
Edward Drew (I.), * Francis Beaumont (I.).

XXXVI. 1593–4. Richard Lewkenor (M.), * David Williams (M.),
* Peter Warburton (L.), * Matthew Ewens (M.),
Richard Branthwaite (L.), John Spurling (G.),
* John Savile (M.), * George Kingsmill (L.),
John Heale (I.), * Edward Heron (L.),
* Thomas Fleming (L.), * William Daniell (G.).

[1] The three last had 10*l.* apiece presented to them by their house.

[2] The motto on their rings was "*Lex Regis Præsidium.*" Mr. Wynne, in his *Serjeant at Law*, p. 141., says that this is the first motto he has met with; but I have shown three previous instances, in 1485, in 1531, and in 1547. See *antè*. pp. 16. 103. 285.

[3] Dugdale's Orig., 127. The entry is "non dederunt aurum;" but the reason is not given.

[4] Robert Clarke was elected alone, for the purpose of being made a baron of the Exchequer, to which he was appointed ten days afterwards. Lord Chancellor Hatton delivered an admirable address on the occasion.

Of these Thomas Fleming was exonerated the next year on being appointed solicitor-general.

XLIII. 1601. Edmund Pelham (G.).

On January 27, 1603, the lord keeper was directed to issue writs to eleven gentlemen, commanding them to take upon them the degree of serjeant three weeks after the following Easter. Before that time the queen died, so that they were not appointed till the following reign.[1]

Queen's Serjeants.

I. 1559. * Richard Weston (M.).
IV. 1562. Nicholas Powtrell, * Thomas Carus (M.).
VIII. 1566. ——— Baker, Richard Catlin (L.).
IX. 1567. * Christopher Wray (L.).
XIV. 1572. * John Jeffrey (G.).
XV. 1573. Nicholas Barham.
XIX. 1577. * Robert Bell (M.).
XXI. 1579. * Edmund Anderson (I.).
XXIV. 1582. * Francis Rodes (G.), * Francis Gawdy (I.).
XXX. 1588. * John Puckering (L.), probably in 1586.
XXXII. 1590. Thomas Snagge (M.).
XXXIV. 1592. William Fleetwood (M.).
XXXV. 1593. * Thomas Owen (L.).
XXXVI. 1594. * William Daniell (G.), * George Kingsmill (L.).
XXXVIII. 1596. Edward Drew (I.).
XL. 1598. * Christopher Yelverton (G.).
XLIV. 1602. John Heale (I.).

The queen's serjeants were allowed for their fee, reward, and robes, 26*l.* 6*s.* 8*d.*, and 20*l.* as justices of assize.[2]

The number of serjeants at the end of the reign of Queen Mary had been reduced to one, by the death of some and the advance of others to the bench. This one was the learned

[1] Egerton MSS. penes John Payne Collier, Esq. The three gentlemen introduced as serjeants in Dugdale's List under this date in the reign of Elizabeth, were no doubt named in the Books of the Inns of Court, from which he quotes them, on the receipt of their writs, and in anticipation of their future appointment.

[2] Peck's Desid. Cur. ii. 2.

William Bendlowes; and the fact was recorded under his arms in the south window of the chapel of Serjeants' Inn in Fleet Street. On October 27, 1558, Mary summoned twelve more to supply the deficiency; but as the writ abated before its return by her death on November 17, it followed that Bendlowes was the sole serjeant for the first four months after Elizabeth's accession.[1] Ten new serjeants assumed the coif in Easter Term by virtue of a new writ, four of whom are mentioned by Plowden as arguing in the court in the following Michaelmas. It is curious that notwithstanding this addition, and a further augmentation of seven or eight others in 1567, the number should, before the next call in Michaelmas 1577, have been reduced to three, viz., the old Serjeant Bendlowes, Serjeant Powtrell, and Serjeant Meade.

Of the six great calls of serjeants during Elizabeth's reign, the feast of that on April 24, 1567, was held at Gray's Inn, and of that on October 18, 1580, at the "New Temple;"[2] but no other particulars of either are given. Of the feast given upon the call in Michaelmas Term, 1577, which was held in the Middle Temple hall, there is a full and interesting account.[3] The seven serjeants then appointed were addressed on one day by Sir Nicholas Bacon, the lord keeper, and on another by Sir James Dyer, chief justice of the Common Pleas, in the usual strain, on the duties of the office on which they were entering. Among the injunctions of Chief Justice Dyer were the following—which give an intimation of the practices of the time: "Not to be captious one upon another, nor to mock one another; but to be discreete; to ride with six horses and their sumpter in long jorneys; to wear their habite most commonly in all places at good assemblies; to ride in a shorte gowne; and to keep the Common Pleas barre." On a third day they

[1] The words on the window are "annis Reginarum ultimo et Elizabethæ primo superfuit et claruit solus." Dugdale's Orig. p. 331. See also p. 119.

[2] Holinshed (1808), iv. 231. 432. [3] Dugdale's Orig. 119—126.

received an exhortation from Sir Christopher Wray, chief justice of England, who thus curiously typified the different parts of their dress: —

"Their quoyft hath two things in it; videlicet, It is a Helmet or Sallet, that they should not feare, having that on, to speake bowldly the Law, and *est sicut vestis candida et immaculata*, and they mighte weare it in place of Justice before the King's presens; and ther partye garment and hoodd betokeneth prudence and temperancye. They were the olde Collers used in this Realme in Judges in King Edward the Confessor's tyme; and the Taberte and Gowne is close to ther bodies and girte, and not open before; that sheweth that they should be secret to their clyants, not discloseing ther councell: ther two tongs and ther taberts declarethe, that they should have one tonge for the poore, another for the riche; and ther rings that they give be of gold which is one of the best mettells; the same betokeneth ther bountifullnesse; they be round, they have no end, it sheweth ther integrity."

The value of the rings given on this occasion differed in some respects from that of the rings presented under Philip and Mary, who received from each of the serjeants rings of the value of 3*l.* 6*s.* 8*d.* each, while Queen Elizabeth had one ring only "for them all in common," worth 6*l.* 13*s.* 4*d.*

The rings to the lord keeper, lord treasurer, &c. were only 18*s.* value instead of 20*s.* as under Queen Mary.

The rings to the judges were 16*s.* as before, but those to the puisne barons of the Exchequer were reduced from 14*s.* to 10*s.* The equalization of rank between them and the other judges, to which reference has been made, had not then taken place.

The rings of the three old serjeants and of the attorney and solicitor-general were raised from 6*s.* 8*d.* to 12*s.*; and

there is a curious item, "To as manie attorneys as they will, Rings."

The serjeants made in Easter, 1594, after hearing a speech from the chief justice, and dining in Middle Temple hall, went to St. Paul's, where they heard the service and a sermon.[1]

SERJEANTS' INN, FLEET STREET.—The united testimony of Plowden, Dyer, Savile, Croke, and Coke, who all speak of conferences of the judges in Serjeants' Inn, Fleet Street, and mention none at Serjeants' Inn, Chancery Lane, manifestly proves that the former was in the uninterrupted occupation of the judges and serjeants from the beginning to the end of the reign of Elizabeth. A new lease to them from the dean and chapter of York was granted in 1592. Still there must have been some connection with the inn in Chancery Lane, though it is evident that none of the judges held their chambers there; for in the distribution of the liveries on the creation of serjeants in 1577 the keeper of that inn received one, as well as the keeper of the Fleet Street house. There was, however, this difference made between them, that while the former was supplied with only two yards of cloth, that given to the latter consisted of three yards.[2] It seems not improbable that the justices and some of the serjeants were located in Fleet Street, while the rest of the serjeants occupied the premises in Chancery Lane. In Michaelmas, 1594, Judge Beaumont said in court, "I have spoken with the justices of our house, and they incline to this opinion."[3] In the preface to the Third Part of Sir Edward Coke's Reports, he speaks of "*two* higher and more eminent houses, called Serjeants' Inn," for the judges and serjeants; but as this Part must have been published in the last year of the reign of Elizabeth, or soon after the accession of James I., about which

[1] Popham's Reports, 43.
[2] Dugdale's Orig. 124.
[3] Coke, Eliz., 444.

time the occupation of Serjeants' Inn, Chancery Lane, was resumed, the remark affords no positive evidence that both houses were occupied by the judges under Elizabeth, especially as he mentions a conference of all the judges at the house in Fleet Street so late as Easter, 1602.[1]

In an amusing account of "common baylers," published in 1597, called "the Discoverie of the Knights of the Poste," it is said, "you may have them most commonly *in Fleete Streete, about Serjeants' Inn,* or else about Chancery lane, or else in some of the pudding-pie houses at Westminster." Other resorts of these "good oath-takers" are mentioned thus: "Out of Term-time, you shall have them commonly once or twice a day, walking in Duke Humfrey's alley in Powles, or at the Lion at the back-side of St. Nicholas's shambles, or at the Rose in Pannier alley, or at the Dolphin at the end of Carter lane, and sometimes at the Wooll-sack in the same lane, and there lye crushing of the two-penny ale pot by halfe a day together."[2]

A question has been raised whether the appointment of queen's counsel, beyond the usual law officers of the crown, did not originate in this reign. The professional advisers of the sovereign in legal matters had been hitherto the king's or queen's serjeants and the attorney and solicitor-general, assisted no doubt by such juniors as they themselves selected. Occasionally also other counsel would be employed for the crown in state prosecutions in the country, and in provincial causes where royal rights were in question. But these were only temporary engagements, and do not appear to have given any precedence after the particular duty was performed. There is certainly no extant written appointment, by warrant, patent, or otherwise, in this reign, of any counsel bearing an office analogous to that now held by a queen's counsel, and entitling its holder to certain precedence.

[1] 3 Coke's Reports, 77.

[2] Westminster Hall, i. 69.

Francis Bacon, however, claimed to have held it; for in a warrant of King James dated at Worksop, on his way from Scotland to London, April 21, 1603, he says, "Where[as] we have perceaved by a lettre from our councell at Whitehall, that Francis Bacon, Esq., was one of the learned councell to the late Queen, our sister, by speciale commandement, and that in the warrant granted by us to them for the continewance of their places he is not named, we have thought good to allow him *in such sort as she did.* And, therefore doe require you to signify our pleasure to him and to the rest of our learned councell, . . . that our meaning is that he shall continew to be of our learned councell, *in such manner as before he was to the Queen,* during our pleasure."[1] This, it will be observed, is very cautiously worded, and was evidently not satisfactory to Bacon; for sixteen months after, on August 25, 1664, he procured a patent formally appointing him "consiliarium nostrum ad legem sive unum de consilio nostro erudito in lege," with place and precedence in as full manner and form as any other of our counsel learned in the law, or as he Francis "*ratione verbi regii Elizabethæ,* vel ratione warranti nostri sub signatura nostra regia habuit;" and it confers upon him 40*l.* a year, as his "vadium et Feodom.[2] From the distinction drawn in this instrument between the queen's *word* and the king's *warrant* (that of the previous year), added to the new grant of a stipend, a manifest conclusion may be drawn that no special office of queen's counsel (beyond the acknowledged law officers) existed under Elizabeth, and that Bacon's pretence arose probably from the queen having desired that his services should be engaged when occasion required them, — as on the trial of the Earl of Essex, when he was one of the counsel for the prosecution. This seems to be confirmed by his expression in a letter to King James: "you formed me of the learned counsel extraordinary, *without patent or fee,* a kind

[1] Egerton Papers, 367. [2] Rymer, xvi. 596.

of *individuum vagum*. You established me and brought me into ordinary; soon after you placed me solicitor." [1]

COUNSEL.

The initials show the courts to which those who became judges were first appointed.

J. Agmondesham,
R. Alcock,
W. Alington,
R. Allot,
G. Altham,
J. Altham, B. E.,
— Ameredith,
E. Anderson, Ch. C. P.,
— Andrews,
— Anger,
H. Archer,
F. Asshebie,
R. Atkins,
R. Atkinson,
F. Aunger,
R. Aunger,
W. Ayloff, K. B.,
— Ayslie,
— Babb,
E. Baber,
F. Bacon, L. Ch.,
R. Baker,
N. Barham,
R. Barker,
E. Bartelet,
— Bashe,
R. Barton,
— Bassett,
L. Bawtrey,
F. Beaumont, C. P.,
H. Beaumont,
R. Bedele,
R. Bell, Ch. B. E.,
W. Bendlowes,
— Berckman,
J. Betham,
J. Bettenham,
J. Birche, B. E.,
E. Blackwell,
— Blancher,
L. Blundeston,
— Boneville,
H. Bourchier,
— Bowyer,
J. Bowyer,
— Boys,
— Bradden,
F. Brakin,
R. Branthwaite,
H. Bridges,
— Brock,
J. Brograve,
G. Bromley,
T. Bromley, *Chancellor*,
— Brookes,
R. Browne,
T. Broxholme,
T. Buckley,
J. Bullock,
W. Burnham,
— Buxton,
J. Cæsar,
T. Calverley,
W. Cardinal,
J. Caril,
T. Carus, K. B.,
T. Cary,
Rd. Catlin,
J. Cavil,
G. Cawfield,
G. Chambers,
— Chambre,
G. Chaworth,
R. Chidley,
R. Chisnall,
R. Cholmley,
R. Clarke,
J. Clench, B. E.,
E. Coke, Ch. C. P.,
T. Colby,
N. Collins,
W. Cooke,
J. Cooper,
R. Corbet, K. B.,
T. Coventry, C. P.,
M. Cratcherwode,
R. Crew, Ch. K. B.,
G. Croke, C. P.,
J. Croke, K. B.,
— Crompton,
M. Dale,
R. Dale,
J. Dalton,
— Damport,
W. Daniel, C. P.,
R. Daston,
J. Davies,
R. Davies,
R. Davye,
A. Death,

[1] Bacon's Works (Montagu), xii. 402.

J. Doderidge, K. B.,
J. Dolman,
— Doteman,
E. Drew,
A. Dyot,
T. Egerton, M. R.,
J. Ellis,
W. Ellis,
M. Ewens, B. E.,
T. Farmer,
E. Fenner, K. B.,
— Ferrers,
G. Fettiplace,
T. Fleming, Ch. B. E.,
W. Fleetwood,
E. Flowerdew, B. E.,
W. Forster,
T. Foster, C. P.,
J. Frenche,
G. Frevile, B. E.,
J. Fuller,
N. Fuller,
— Gale,
R. Gardiner,
F. Gawdy, K. B.,
T. Gawdy, sen.,
T. Gawdy, jun., K. B.,
A. Gell,
V. Gent,
G. Gerard, M. R.,
W. Gerard,
W. Gibbes,
J. Glanvill, C. P.,
— Godfrey,
R. Golding,
C. Goldsmith,
— Goodere,
A. Gray,
E. Griffin,
— Griffith,
— Gurdon,
R. Gwynes,
M. Hadde,
C. Hales,
J. Hales,
E. Halsall,
R. Halton,
T. Hammon,
H. Hanle,
— Hannam,
H. Hare,
N. Hare,
R. Harper, C. P.,
T. Harris,
H. Haydon,
— Haywood,
J. Heale,
— Hemerford,
— Herle,
E. Heron, B. E.,
T. Hesketh,
W. Hillyard,
— Hippesley,
T. Hitchcock,
H. Hobert, Ch. C. P.,
— Hollenshed,
J. Hooper,
R. Houghton, K. B.,
— Howland,
— Hubert,
H. Hughes,
W. Hughes,
— Humbert,
R. Hurlestone,
— Hutton, C. P.,
L. Hyde,
J. Jeffrey, K. B.,
C. Jenney,
— Inkpenne,
— Joans,
A. Johnson,
R. Johnson,
A. Irby,
— Ivey,
R. Keilwey,
R. Kempe,
— Kennersley,
G. Kingsmill, C. P.,
R. Kingsmill,
T. Kirle,
J. Kitchin,
— Laiton,
W. Lambarde,
J. Lancaster,
T. Lawton,
— Lee,
J. Leonard,
M. Lewis,
R. Lewkenore,
J. Ley, Ch. K. B.,
R. Lone,
— Lottisham,
W. Lovelace,
— Mallory,
B. Man,
R. Manwood, C. P.,
T. Marryot,
J. Marston,
R. Martin,
— Massye,
T. Meade, C. P.,
R. Monson, C. P.,
— Moore,
F. Moore,
F. Morgan,
J. Morreys,
A. Nicholls, C. P.,
G. Nicholls,
T. Nicholls,
G. Nightingale,
R. Noel,
— Nuttall,
W. Oldesworth,
R. Onslow,
P. Osborne,
N. Overbury,
T. Owen, C. P.,
— Padsey,
T. Paget,
J. Pagrave,
— Parkins,
— Parne,

— Partridge,
H. Payne,
— Paynell,
R. Payton,
E. Pelham,
J. Penruddock,
C. Pepper,
W. Peryam, C. P.,
P. Pheasant,
E. Philips, M. R.,
O. Pigot,
V. Pigot,
E. Plowden,
W. Pole,
E. Pooley,
J. Popham, Ch. K. B.,
N. Potts,
W. Price,
E. Prideaux,
L. Prowde,
J. Puckering, L. K.,
— Pudsey,
H. Purefey,
— Purkins,
T. Pyne, B. E.,
R. Ratcliffe,
— Repington,
T. Risdon,
J. Rivet,
F. Rodes, C. P.,
R. Rokeby,
W. Roper,
P. Rosse,
W. Ruswell,
G. Rythe,
R. Rythe,
A. St. Leger,
J. Salvein,
M. Sands,
— Sanckie,
J. Savile, B. E.,
R. Scrope,
— Seyborne,
R. Sheffield,
G. Sherrington,
R. Shirborne,
J. Shirley,
J. Shute,
R. Shute, B. E.,
R. Shuttleworth,
W. Simmonds,
E. Skipwith,
T. Smallman,
H. Smith,
J. Smith,
M. Smith,
R. Snagge,
T. Snagge,
G. Snigge, B. E.,
— Sollington,
G. Southcote,
J. Southcote, K. B.,
H. Spelman,
T. Spencer,
J. Spurling,
— Stampe,
E. Stanhope,
E. Stapleton,
T. Stephens,
F. Stoughten,
G. Stratford,
J. Strode,
— Stubbs,
E. Suliard,
R. Swayne,
L. Tanfield, K. B.,
W. Thornton,
H. Thursbye,
J. Thurstan,
S. Thymbleby,
W. Timperley,
— Topham,
H. Townsend,
W. Towse,
R. Tredway,
J. Tyndall,
T. Wade,
G. Walle,
E. Walmsley,
T. Walmsley, C. P.,
— Walrond,
J. Walshe, C. P.,
E. Walter,
— Waltham,
P. Warburton, C. P.,
— Waring,
R. Waterhouse,
— Weeks,
R. Weston, C. P.,
R. Wetherell,
R. Wheler,
W. Whiskins,
R. Wilbraham,
T. Wilbraham,
— Whithed,
D. Williams, K. B.,
H. Winche, C. P.,
R. Withe,
T. Withe,
T. Wood,
C. Wray, K. B.,
G. Wray,
T. Wrothe,
G. Wyat,
H. Wyat,
T. Wykes,
G. Wylde,
F. Wyndham, C. P.,
F. Yarborow,
C. Yelverton, K. B.

The length of this list confirms the remark made by Lord Chancellor Hatton in 1588, on the admission of Robert Clarke to the degree of the coif: "I find that there are now

more at the bar in one house than there was in all the inns of Court when I was a young man."[1]

The term, "Utter Barrister" has been noticed as first occurring in the reign of Henry VIII.; the earliest instance of that of "Inner Barrister" is to be found in this reign. In both cases they were probably degrees granted by the house in which the party was receiving his legal education, whether that house were an inn of Court or an inn of Chancery.

It has been shown that "Utter Barrister" was a title conferred by the Middle Temple in the reign of Henry VIII. on those who after five or six years' study had been called upon to argue some disputed case before the benchers.[2] This term of study was extended in 1596 to seven years; and the number to be called in each house was limited to three or four in a year.[3] In some inns of Court the power of calling rested with the readers, and in others with the benchers. It is evident, however, that the degree when obtained did not of itself give the party holding it the privilege of pleading at the bar of the supreme courts; for in 1 Eliz., 1559, the judges, by an order to the inns of Court, directed "that an exhortation should be given to the Utter Barr, that no one should come to any Barr at Westminster, and specially to the Chancery or Whitehall, under ten years' continuance."[4] By another order for the government of the inns of Court, made by the Privy Council and the judges in 16 Eliz., 1574, this period of ten years was reduced to five; but instead of being, as before, in the form of an exhortation, it was a peremptory order that none should be "admitted to plead in any court at Westminster, nor subscribe any pleadings," without that qualification. This order further directed that none should be called to the utter bar but by the ordinary

[1] Nicolas's Hatton, 477.
[2] Dugdale's Orig. 194.
[3] Ibid. 316.
[4] Ibid. 311.

council of the house, nor be or continue an utter barrister unless he exercised mootings for three years after.[1]

Persons who were under the degree of utter barrister in the Middle Temple were in the reign of Henry VIII. called "No Utter-Barrister;"[2] but that designation seems to have been discontinued before the year 1574, when the term "Inner Barrister" was used as synonymous with student. By the general order then issued, it is declared that "none hereafter admitted shall enjoy any Chamber, or be in Commons, unless he do exercise Moots, and other exercises of learning, within three years after his admission; and be allowed a student or *Inner-Barrister*."[3] The same distinction between the two grades was also made in the inns of Chancery.[4] The modern idea, therefore, that the counsel for the crown and other advocates entitled to wear a silk gown are inner barristers, is clearly unfounded, the title being that of the lower, and not of the higher grade.

The practice of granting annuities for professional services was still continued, some instances of which will be found in the Memoir of Edward Flowerdew, B. E. The Household Accounts of the Le Stranges, before referred to, notice in 1578 fees of 20*s.* each, paid to "Mr. Bullock of the Inner Temple," and to "Mr. Flowerdewe," both "for Counsell," and a similar sum apparently divided between "Mr. Ployden and the Quene's Solister" [Bromley], also "for Counsell."[5]

Presents of creature-comforts also seem not to have been uncommon. The archives of the borough of Lyme Regis have the following entries[6]:—

	£	s.	d.
"A.D. 1590. Paid for wine we carried with us to Mr. Poulett -	0	3	6
Wine and sugar given to Mr. Poulett	0	3	4

[1] Dugdale's Orig. 312. [2] Ibid. 194. [3] Ibid. 312. [4] Ibid. 242.
[5] Archæologia, xxv. 565. [6] Yonge's Diary, 36.

	£	s.	d.
Horsehire, and for the Serjeant to ride to Mr. Walrond of Bovey, and for a loaf of sugar, and for conserves given there to Mr. Poppel -	1	1	0
Wine and sugar given to Judge Anderson -	0	3	4
A bottle wine and sugar given to Mr. Gibbs (a lawyer)."			

General orders for the regulation of all the inns of Court were issued at various times in this reign, being sometimes promulgated by the queen and council, and sometimes by the judges. In that of November 2, 1559, the order made in the previous reign as to apparel &c., was renewed by the judges, with some alterations, which show the changes in fashion. Beards, which before were limited to three weeks' growth, were now reduced to a fortnight. Fur, and any manner of silk, and "any great hose" were altogether prohibited. Swords and bucklers, which were before forbidden only in commons, were now ordered not to be worn or "born after him into the Town." The offender however, who was previously liable to expulsion for a second offence, was given a longer reprieve, the fine being doubled for the second fault, and expulsion being delayed till the third. With respect to forensic practice, this order only contained the "Exhortation to the utter Barr" before alluded to.[1]

The object of the general order of the Privy Council and judges, issued in Easter Term, 16 Eliz., 1574, seems to have been to prevent the great increase which was then taking place in the number of persons seeking for admission. Its first enactment is that "no more in number be admitted from henceforth than the Chambers of the Houses will receive, after two to a Chamber: nor that any more Chambers shall be builded to encrease their number;" and its other ordinances are strict in excluding all those who do not exercise moots within a certain time, or do not "come and remain at the usual Common Prayers at the Churches and Chapels of the

[1] Dugdale's Orig. 311.

same House." This probably was occasioned by the introduction of a practice of young men resorting to the inns of Court for convenience or society, without intending to pursue the legal profession. This order also contained the peremptory regulations as to utter barristers which have been before noticed.[1]

Twelve years afterwards, in April, 1586, the number of members of each of the inns of Court, according to a MS. among the Burleigh Papers, was as follows: —

Lincoln's Inn, in term	200,	out of term	50
Inner Temple	„	200	„	80
Middle Temple	„	200	„	50
Gray's Inn	„	356	„	229
		956		409[2]

A third general order was issued in 33 Eliz., 1591, specially noticing the falling off in the number and length of the readings in the several houses, which it attributes to "the excessive and sumptuous charges brought in of late times." It therefore fixes the future readings to continue for three weeks, and limits the allowance of wine and meat to the amount that "was allowed usually before the first year of the reign," viz. twenty marks for the reader's drinking, the wine not to exceed two hogsheads at most, and 20*l.* for the reader's dinner; and the reader was exempted from giving any other dinner "but in the reading time, and not in the term before his reading; and was to be advised in the number and condition of his guests, to the intent that a mediocrity may be used frugally without excess."[3]

The next order was in 1594, making further regulations as to the readings, and directing that the single reader should always read in autumn, and the double reader in Lent, and that they make their cases short, "not to contain above two

[1] Dugdale's Orig. 312.
[2] Pearce's Inns of Court, 79.
[3] Dugdale's Orig. 313.

or three points at the most;" and the names of those next in turn to read were to be delivered to the justices for their advice therein. It prescribes also several rules with regard to calling utter barristers [1], which the society of Lincoln's Inn evidently deemed an unnecessary interference and encroachment on the part of the bench; for in an answer which they sent on receiving it they point out the usual practice of the house, not offering to change where it differs, but where it agrees, adding, with a sort of forced civility, that they "intend to have the like care and regard," "the rather in respect of your lordships' good directions." [2] This seems to have produced some effect on the judges; for their next order, on June 20, 1596, was "by the assent of the Benchers of the four Innes of Court." The limitation of the number of students is here again attempted, by directing that none "be admitted into Inns of Court till he may have a chamber in the House; and in the meantime to be of some Inn of Chancery." Calls to the bar are still further regulated; and the duties, the privileges, and the expenses of readers are pointed out with a little more precision.[3]

LINCOLN'S INN. — On November 8, 1580, 22 Eliz., the fee simple of this house, which had before been held under lease from the Bishop of Chichester, was purchased by Richard Kingsmill and the rest of the benchers of the society for the sum of 520*l.* from Edward Suliard, whose father Eustace and uncle William had obtained a grant of it in 1536 from the then newly consecrated Bishop Sampson; and the conveyance was secured by a fine levied by Edward Suliard and his wife.[4] The occupation of the "chamber, garret, and studies" which Edward Suliard then had was reserved to him and his heirs male, and in default of such issue to the heirs male of William Ayloff, justice of the

[1] Dugdale's Orig. 314. [2] Ibid. 315. [3] Ibid. 316. [4] Ibid. 231.

Queen's Bench, being fellows of the house. The benchers likewise in 1584 purchased of William Moresom, citizen and skinner of London, and Allyce his wife, a piece of ground in Fykett Field, on the south side of Lincoln's Inn, for twenty marks.[1]

Sir Roger Cholmley by his will in 1565 had given a messuage in Newgate Street, or the value thereof, towards the purchase of the Inn, thus proving that the arrangement had been contemplated long before it was completed, which is further evidenced by the large expenditure previously incurred by the benchers in buildings and improvements. In the erection of some of these, Ben Jonson is said to have assisted his step-father, who was a bricklayer employed upon them. The house in Newgate Street, now the Rainbow Tavern, is still the property of the society.

In the first year of Elizabeth's reign, the bench issued orders as to the length of beards and the bearing of weapons, in the terms directed by the judge's order; but with regard to the former, they were obliged in the following year to succumb to the tyrant Fashion, and to repeal all restrictions with reference to them.[2]

The fine for admitting any person as a member who had not been of some inn of Chancery before was fixed at five marks; an utter barrister of Furnival's Inn or Thavies Inn, "the proper Houses of this House," was to pay four marks if of one year's continuance, but only 13*s.* 4*d.* "if he had mooted there two vacations at the Utter Bar;" an inner barrister of those two inns was to pay 20*s.*, which was also required from an utter barrister of any other inn of Chancery, while their inner barristers were called upon to pay 40*s.* These fines were increased in 26 Eliz. to 40*s.* for members of Furnival's Inn and Thavies Inn, and 3*l.* 6*s.* 8*d.* for members of other houses.[3]

[1] Report of Inns of Court, 243.
[2] Dugdale's Orig. 244, 245.
[3] Ibid. 242, 243.

Careful regulations were made in this reign as to the examination of the students, and case-putting at their several messes; and specific directions were given to the readers sent to the inns of Chancery, as to the duties they were to perform. Four divinity lecturers were also appointed, two from Oxford and two from Cambridge, to whom was assigned the quarterly duty of lecturing twice a week, and preaching every Sunday, 10*l.* each being paid to them, with their diet at the bench table. Members were to be fined who wore their hats in chapel or in hall, who went abroad into London or Westminster without a gown, or who wore long hair, great ruffs, or cloak, boots, and spurs within the precincts. The young members were evidently becoming too gay, and using their liberty too unrestrainedly; for the benchers in 32 Eliz. found it necessary to take away "not only all the sportings, late watchings, and exercises before that time yearly used on the hunting night, but also their repair usually at a certain day yearly to Kentish-Town, and the dining with sports and assemblies before that time used."[1]

Sufficient attention however was paid to the necessary relaxation from study. The quarterly revels were still continued; and in 8 Eliz. the stipend of the musicians at the two principal feasts, Allhallowtide and Candlemas, was ordered to be increased from 3*s.* 4*d.* to 6*s.* 8*d.* To these pastimes were added the readers' feasts and the Christmases, which were never omitted.[2]

The devotion of the society to Queen Elizabeth was loyally exhibited about 1584, by the association of nearly a hundred of its members for the defence of her person, on the occasion of a threatened rising of the Catholics. The document which they subscribed, binding themselves to serve her and to exterminate all those who attempted her harm,

[1] Dugdale's Orig. 213—245. [2] Ibid. 246.

is preserved among the Egerton Papers published by the Camden Society, p. 108.

The learned antiquary William Lambarde, who was a member of this house, was complimented in 1578 "with a room to sit amongst the Society of the Fellowship of the Bench . . . without anything paying for the same," in acknowledgment of his having "deserved universally well of this commonwealth and country, and likewise of the Fellowship and Society of this House."[1]

According to a return made by Sir Thomas Egerton in 1586, there were then 104 chambers in Lincoln's Inn; and about 200 members in term time, of whom between forty and fifty remained during the "longe Soñer Vacacon."[2]

INNER TEMPLE. — The order made by the judges in Easter, 16 Eliz., that no more chambers should be erected to increase the number of students, does not seem to have been long regarded; for new buildings sprang up in the Inner Temple two years afterwards, and considerable additions were made in the 23rd and 38th years, Crompton's Buildings and the lodgings between the church and the hall being then completed. The latter were called Cæsar's Buildings; and the privilege of admitting any gentleman into the society was granted to Sir Julius Cæsar for his life, in acknowledgment of his having contributed 300*l.* towards the expense. Fuller's Rents had been erected in the early part of the reign; and a few years afterwards the Alienation Office was placed near them.[3]

The payment for the admission to the society was fixed in 5 Eliz. at 40*s.* to every one except the son of a bencher or utter barrister, or one who had been a year in one of the inns of Chancery belonging to the house. In 42 Eliz. a further order was made that none should be admitted

[1] Dugdale's Orig. 268.
[2] Pearce's Inns of Court, 140.
[3] Dugdale's Orig. 146.

unless he were of good parentage, and not of ill behaviour. All lodgers not members were prohibited under a penalty of 40*s.*; and fines were imposed on members for wearing their hats or cloaks in the Temple church, hall, buttery, or kitchen, or in the garden, or for going into the city in cloaks, hats, boots, and spurs, except when they rode out of town. They were also to forfeit 5*l.* if they came into hall with any weapon, except their dagger or knife.[1]

Strict orders were made for every member to attend divine service and sermons on the usual days, and to receive the Communion once at least in every year. The readers were enjoined, under a penalty of 5*s.*, to attend three months in every term, and the benchers not readers five, with one moot added in Michaelmas Term.

The register of the society notices an attempt made by the benchers of the Middle Temple to take away Lyon's Inn from this house, "whereunto it had antiently belonged," and that the proceedings had been put a stop to through the earnest intercession to the queen of her favourite Lord Robert Dudley, afterwards Earl of Leicester. In gratitude for this service the society directed his picture to be placed in their hall, and enacted that no present or future member of the house should be retained as counsel against him or his heirs.

It was no doubt in accordance with this grateful feeling that the following Christmas was celebrated with such extraordinary magnificence, and that his Lordship, as a member of the house, was elected to be the chief of the revelry. A full account of the proceedings is given in Gerard Leigh's "Accidence of Armorie," published about thirty years afterwards; but it is so overlaid with the hyperbolical style of the age, that it is difficult to determine how much is true and how much is fanciful. It is plain,

[1] Dugdale's Orig. 147, 148.

however, that the entertainment was most splendid, and the company numerous and noble. The nature of the festivities may be fancied from the high-sounding title with which Lord Robert Dudley was graced upon the occasion: "Pallaphilos, Prince of Sophie, high constable marshal of the Knights Templars, Patron of the honourable Order of Pegasus;" and from the various mimic authorities by whom he was attended, including lord steward, treasurer, keeper of Pallas Seal, herehaughts and others, together with the solemn investiture of twenty-four knights with the helm of fortitude, the breastplate of courage, the targe of Pallas, the sword of justice, the spurs of speed, the mantle of Pallas, and the collar of Pallas Order with pendant Pegasus. One of the curious particulars of this *fête* is that among the officers appointed by the inn was Christopher Hatton (the future favourite of the queen, and rival of Dudley in her graces), his character being that of "Master of the Game;" and another is that to Roger Manwood was assigned the fictitious role of lord chief baron of the Exchequer, an office he was destined sixteen years afterwards actually to fill.[1] Henry Machyn in mentioning this Christmasing says that on "the 27 day of Desember cam rydyng thrugh London a lord of mysrull, in clene complett harnes, gylt, with a hondered grett horse and gentyll-men rydyng gorgyously with chenes of gold, and there horses godly trapytt, unto the Tempull."[2]

As soon as these festivities were terminated the students obtained permission, no doubt through the same favourite's influence, to perform before the queen the play of "Ferrex and Porrex," the first three acts of which were written by Thomas Norton, and the last two by Thomas Sackville, afterwards created Lord Buckhurst by Queen Elizabeth, and Earl of Dorset by James I., — both members of the house. The representation took place at Whitehall on January 18,

[1] Dugdale's Orig. 150. [2] Machyn's Diary, 274.

1561-2; and the piece, which was soon after published, was subsequently printed under the title of Gordobuc.[1]

The books of the society contain an entry in 1560 of the substitution of "green earthen pots" for the "cups of Ashen Wood," from which the members used to drink.[2] The "white clay" employed in the making of these pots was dug out of the Park of Farnham, belonging to the Bishop of Winchester, as appears from a letter printed in the *Losely Manuscripts*, p. 311., in which Sir Julius Cæsar applies for permission to dig and carry away as much as shall be sufficient for the purpose.[3]

MIDDLE TEMPLE.—The present beautiful hall of the Middle Temple was erected in this reign. It took ten years in building, being commenced in 1562 and completed in 1572. The learned Edmund Plowden superintended the work; and the buildings behind it are still called by his name. That there was an old hall on another spot is apparent from the following exception introduced into the general order of the judges in 1574, that no more chambers shall be erected for the reception of students: "Saving that in the Middle Temple they may convert their old hall into chambers, not exceeding the number of ten chambers."[4] But the precise position of this old hall is uncertain. Chauncy says that it was "situated between Pump Court and Elm Court, after the form of the round walk in the Temple church, and pulled down in 1639."[5] In that year it will be found that a large brick building was erected apparently on the same site; so that it is probable that it remained till then, converted as above into chambers.

Three years after the building was finished, an assessment was made upon all the members for the expense of the skreen

[1] Biog. Dram. ii. 124.
[2] Dugdale's Orig. 148.
[3] Notes and Queries, 1st S. viii. 172.
[4] Dugdale's Orig. 188. 312.
[5] Chauncy's Herts, 526.

to the hall; the benchers paying 20*s.* each, the utter barristers, officers, and common attorneys 10*s.*, and the other members 6*s.* 8*d.* This shows that at this time the rule of the Inner Temple for the exclusion of attorneys was not yet adopted here.

The expense of erecting the hall involved the society in considerable debt, for the discharge of which "the old pensions" were augmented for several years; and it was probably on this account that the admittance of new members was fixed so high as 40*s.*, if of an inn of Chancery belonging to the house, 5*l.* if of any other inn of Chancery, and 6*l.* 13*s.* 4*d.* if of no inn. The dress was regulated under the same restrictions as at the other inns.

By an order in 27 Eliz., every person admitted to associate with the bench at the bench table was required to contribute 10*l.* in plate.

The order of the judges, made in the first year of the reign, forbidding any one to come to the bar under ten years' continuance, seems to have been then extended by the Middle Temple to twelve years.

The records of the society preserve an account of the expulsion of a member, which is rendered peculiarly interesting in consequence of the eminence to which the delinquent afterwards attained as a statesman, a poet, and a lawyer. While the masters of the bench and the other members of the society were sitting quietly at dinner on February 9, 1597–8, John Davies came into the hall with his hat on his head, and attended by two persons armed with swords, and going up to the barristers' table, where Richard Martin was sitting, he pulled out from under his gown a cudgel "quem vulgariter vocant *a Bastinado*," and struck him over the head repeatedly and with so much violence, that the bastinado was shivered into many pieces. Then retiring to the bottom of the hall, he drew one of his attendants' swords, and flou-

rished it over his head, turning his face towards Martin, and then hurrying away down the water-steps of the Temple, threw himself into a boat. For this outrageous act he was immediately disbarred and expelled the house, and deprived for ever of all authority to speak or consult in law. After nearly four years' retirement, he petitioned the benchers for his restoration, which they, knowing his merits and believing in his penitence, accorded on October 30, 1601, upon his making a public submission in the hall, and asking pardon of Mr. Martin, who at once generously forgave him.[1] The offence, which is unrecorded, was probably some witty sarcasm by Martin on Davies. Both had been notorious for the lightness of their early lives; yet both lived to hold considerable stations in the world. Martin became recorder of London and a member of parliament; and Davies not only filled the office of attorney-general of Ireland, and speaker of the Irish parliament, but, having been knighted in 1607, advanced so high in reputation as to be designated in 1626 lord chief justice of England, on the very day of his sudden death. His poem of "Nosce seipsum" established his literary character, and was followed by several other works, poetical, political, and legal.

GRAY'S INN.—The new hall having been finished in the second year of this reign at the expense of 863*l.* 10*s.* 8*d.*, the erection of the Holborn gate was undertaken, and towards the end of the reign the gardens were improved under the direction of Sir Francis Bacon, who was allowed in one year 7*l.* 15*s.* 4*d.* for elm trees planted, and in another no less a sum than 60*l.* 6*s.* 8*d.* for other improvements in them.[2]

Several orders were made as to the payment on admittance, which was raised in 9 Eliz. from 40*s.* to 3*l.* 6*s.* 8*d.*; unless the applicant was a member of Barnard's Inn or Staple Inn. Three years afterwards the amount was left to the judg-

[1] Archæologia, xxi. 107., communicated by Lord Stowell.

[2] Dugdale's Orig. 273.

ment of the treasurer and readers; and subsequently it was ordered that the personal presence of the party should be required, and that two members of the house should be bound in the sum of 10*l.* for his payment of the duties; that is, of his pensions, chamber, and commons.[1]

It had been a custom in this house for the chief cook to provide a dinner on Good Friday at his own cost, and likewise for the gentlemen who came to breakfast on Easter day to have eggs and green sauce after the communion; but in 23 Eliz. these were ordered in future to be furnished at the cost of the house, and calves' heads were forbidden to be provided by the cook.

The allowance of wine seems to have been small, being in term time only "one pottle (that is two quarts) of claret wine at every meal, and no more, except fish meals, when oysters are served, and then but two pottles." In vacation no wine was allowed, except there were two readers or more in commons, and then only one quart and no more; and this was afterwards taken away.

It would seem that at this time the young gentlemen were somewhat disorderly and irregular; for special prohibitions were several times issued against their going down to the dresser to fetch their own meat or to change it, taking the meat by the strong hand from the servitors, and not sitting down when served,—the penalty for which was at first being put out of commons *ipso facto*, but afterwards was reduced to a fine of 5*s.*[2]

Precise regulations were issued for the moots on three days in the week, and for the bolts on other days, with fines for omitting either. Various orders were also made as to the duties of the readers, whose privilege of admitting any one into the society was taken away; but they had the right to call four utter barristers during their reading. One of them

[1] Dugdale's Orig. 274.

[2] Ibid. 276.

was fined twenty nobles for exceeding this number; and the same person "was amerced at 10*l.* for breaking the judges' order, in reading so short."[1] Another was fined for not reading at all; and a third paid 6*l.* 13*s.* 4*d.* to be exonerated.[2] Every reader was allowed "one hogshead of wine be the price more or less," together with "twenty brace of bucks, and a lease of stags . . to be spent in the House." The repasts of his guests, and the commons of himself and his men, were also paid by the house; and none but readers were privileged to plead in the Star Chamber.

No member of the house could be called to the degree of utter barrister who had not twice mooted in the hall or in some inn of Chancery, and also "argued twice at the skreen in the library, at times mootible;" and after their being called they were to keep three learned vacations and to sit at the readings. They were not allowed however to plead at Westminster, nor to sign "any Parle," till they had been called five years.[3]

The same regulations as to apparel and the attendance on divine service were made as in the other houses; and a reader of divinity was appointed, who was to be unmarried and to have no other cure. All the officers of the house were to be unmarried except the steward, chief butler, and chief cook; and care was taken of the poor in the regular distribution of alms and the broken bread.

The disorderly practices of the members at Christmas and other times were obliged to be restrained by a special order in 28 Eliz. forbidding the assumption of the title of "Lord or any such other like," and the breaking open of chambers, or abusing and molesting the fellows or officers. Care was also taken by the governors of the house to remove temptation from the members, by ordering that all "Laundresses and women called Victuallers" should be above forty years of

[1] Dugdale's Orig. 277. [2] Ibid. 294. [3] Ibid. 281.

age; and that maidservants of what age soever "should not be sent into gentlemen's chambers" under penalty of being put out of commons for a first offence, and of expulsion for the second.[1]

The gentlemen of Gray's Inn seem to have been partial to dramatic entertainments. The unfortunate "disguisyng of master Jhon Roo" in the reign of Henry VIII. has been already noticed; under Elizabeth there were several performances. Two of these — "the Supposes," a comedy adapted from Ariosto, and "Jocasta," a tragedy from Euripides — were written by George Gascoigne, assisted by Francis Kynwelmersh; and Christopher Yelverton furnished the epilogue to the latter.[2] At Shrovetide, 1565, they presented her Majesty with "divers shows;" and on January 16, 1587, they played a comedy in their hall, before Lord Burleigh and other members of the court. On February 28, 1588, "certaine devises and shews" were presented by them before her Majesty at Greenwich, the subject of which was the misfortunes of Arthur Uther, Pendragon's son. The author was Thomas Hughes, assisted by Nicholas Trotte, William Fulbecke, and Francis Flower, all members of the society.

Among the dressers of the dumb shows on that occasion were "Maister Christopher Yelverton and Maister Francis Bacon," future legal worthies.[3] The readiness of this society to gratify her Majesty fully justified the commendations which she expressed at the close of the famous Christmasing in 1594, when she said that it was "a house she was much indebted to, for it did always study for some sports to present unto her."

In that year the society determined to celebrate the Christmas with revelries as distinguished as those which the

[1] Dugdale's Orig. 283—286.
[2] Wood's Athen. Oxon. i. 436.
[3] Pearce's Inns of Court, 86.

Inner Temple had exhibited thirty years before. A Norfolk gentleman named Henry Helmes was selected as a fit representative of the sovereign. His title was "The High and mighty Prince Henry, Prince of Peerpoole, Arch-duke of Stapulia and Bernardia, Duke of High and Nether Holborn, Marquis of St. Giles and Tottenham, Count Palatine of Bloomsbury and Clerkenwell, Great Lord of the Cantons of Islington, Kentish Town, Paddington and Knightsbridge, Knight of the most heroical order of the Helmet, and Sovereign of the same." He was attended by a most numerous court in which every officer of state had a mimic representative; and he was visited by an ambassador from his "most loving friend and ally . . . the state of Templaria" (Inner Temple).

The ceremonies commenced on December 20 (St. Thomas's eve), and lasted without intermission till the night of Twelfth Day; and on one occasion they were honoured with the presence of the lord keeper (Sir John Puckering) and various lords and other members of the queen's court. An interval of quietness then followed, during which the Prince Peerpoole remained in Russia, and "after glorious conquests" returned at Candlemas with a gallant show upon the Thames, paying his respects to the queen at Greenwich, and passing with a glorious retinue mounted on one hundred choice and great horses to his dominions in Gray's Inn. At Shrovetide the prince and his companions were entertained by Queen Elizabeth, before whom they performed a masque, and fought at the barriers, the prince being honoured with gracious commendations, and receiving from her royal hand "a jewel set with seventeen diamonds and four rubies, and worth 100 marks." "And thus the sports and revels, and the reign of the mock prince were ended at the court of her majesty." The history of these proceedings is preserved in a tract published nearly a century afterwards, in 1688, under

the title of "Gesta Grayorum;"[1] and regarding it, in conjunction with the record already noticed of similar pastimes in the Inner Temple, as containing a fair specimen of the style of revelry indulged in during the reign of the virgin queen, it is difficult, in the wearisomeness caused by the mere perusal, not to wonder how easily our forefathers were satisfied, and not to feel that the present generation has lost nothing by the discontinuance of such entertainments.

Queen Elizabeth, whose interest in this society was probably prompted by her respect for Sir Nicholas Bacon her first lord keeper, and was continued by the exertions of his son to provide her entertainment, is a favourite among its members to this day. "The glorious, pious, and immortal memory of Queen Elizabeth" is still drunk at the hall on grand days, not in the ordinary manner, but by three members of the body at a time, the benchers, the bar, and the students taking it up in succession. There is a tradition among them that she presented the bench tables to the inn.

By the order of the Privy Council and the judges, made in Easter, 1574, "the reformation and order for the inns of Chancery" was "referred to the consideration of the benchers of the houses of Court whereto they are belonging, wherein they are to use the advise and assistance of the justices of the courts at Westminster, and thereof to make a certificate to the Privy Counsel at the second sitting the next term in the Star Chamber."[2]

As there were inner and utter barristers in the inns of Court, so there were the like degrees in the inns of Chancery; and the fines for their admittance into the former depended on their rank in the latter, and the number of moots they had kept there[3]; but no utter barrister of an inn of Chancery was qualified to practise at the bar of the supreme courts.

[1] Hone's Year Book, 327. [2] Dugdale's Orig. 312. [3] Ibid. 242.

The MS. in the Burleigh Papers, already referred to, gives the following as the number of members at the several inns of Chancery in 1586: —

Inns of Chancery connected with Lincoln's Inn:

Thavies Inn,	in term	40,	out of term	20
Furnival's Inn	„	80	„	30
Inner Temple:				
Clement's Inn,	„	100	„	20
Clifford's Inn	„	110	„	20
Lyon's Inn	„	80	„	30
Middle Temple:				
New Inn	„	80	„	20
Gray's Inn:				
Barnard's Inn	„	112	„	24
Staple Inn	„	145	„	69
		747		233

LYON'S INN.—When this inn was first attached to the Inner Temple does not appear; but in the register of that society in 3 Eliz. it is said to have "antiently belonged" to it. This register records that the Middle Temple, having recently lost Strand Inn upon the building of Somerset House, had endeavoured to take away Lyon's Inn from the Inner Temple, and had been abetted in their attempt by the two chief justices Sir Robert Catlyn and Sir James Dyer, (both of whom were of the Middle Temple), but that their proceedings had been frustrated by the intercession of Lord Robert Dudley.[1]

NEW INN.—Large additions were made to the accommodation of this house by the erection of eleven chambers on some waste land within the property.

From an order of the Middle Temple of June 30, 1588, 30 Eliz., an inference might be drawn that New Inn had

[1] Dugdale's Orig. 150.

been previously independent of that house; for instead of claiming any right over it, or giving any directions to its members, inducements seem to be held out to them to join the larger fraternity. It states that "such students of New Inn who should be desirous to be of this Fellowship of the Middle Temple, after such time as they had mooted . . . in New Inn, should have their antiquity in this House, notwithstanding their continuance and being in commons in New Inn; . . . and the Fines for their admittances to be respited until their coming into commons in this house; and to pay their Pensions presently upon their coming into commons in this House, and not before."[1]

Barnard's Inn.—The heads of this society are thus described in a list of twelve names in 1 Eliz.: "Ces noms de Principall et des sages Jures." During the reign many additional chambers and other buildings were erected, and the great window of the hall was added. In 1590 an order was made at a pension, that a convenient table should be placed at the upper end of the hall for the principal and ancients to dine and sup together daily in the term time; and it conveys no good impression of the sobriety of the other members, that it was found necessary by the same order to inflict a severe penalty on "any companion disturbing or misusing the said Principal or Antient Company or any of them sitting together as aforesaid." In 1601 one Mr. Warren was fined 1*l.* 6*s.* 8*d.* "for wearing his hat in the Hall, and for his long hair, and otherwise misdemeaning himself."

Staple Inn.—The number of students in this inn during the reign of Elizabeth was considerably greater than in any other inn of Chancery. Very large additions were made to the buildings; and a new hall was erected.

Although the inn was connected with Gray's Inn and was supplied with readers from that society, it had a full control

[1] Dugdale's Orig. 191.

over the election of its own officers. This is acknowledged by the authorities of Gray's Inn in a letter they addressed to Lord Burleigh on May 11, 1584, on the occasion of the death of a principal of Staple Inn. They complain in it that, "by reason of the wante of learning and good governement in their Principalls, the howses of Chancery are growen to some dysorder of lyving, and to greate decay of studie, not regarding the aucthoritie of their Principall, by reason there hath byn no such care of election heretofore hadd as were convenient, being altogether choysen by the voyces of the younge genteelmen." They therefore recommend Mr. Thomas Cary, "an Utter Barrester of good standing and learning" of their house, "humbly entreating your Lordship's favour in his behalfe unto the society of that howse . . . to make choyse of him."[1] What was the extent or what the effect of his Lordship's interference does not appear.

The miserable state of the legal records of the kingdom, the preservation of which has not till the present time been adequately provided for, was the subject of complaint even in the reign of Queen Elizabeth. The judges of the Common Pleas and the barons of the Exchequer found it necessary to present a petition to the lord treasurer and chancellor of the Exchequer, representing that the records of the former court, kept in the treasury at Westminster, had "receyved great detriment and empayrement thoroughe the lownes and dankishnes of the said Treasurye Howse, being oftentimes overflowen by the water of the Temmes at sundry sprinke tydes, and by means of rayne descendinge down through the gutters, roufes, and flores of the Escheker chamber," and praying them "to cause the saide howses and places to be newly buylded and made more large and more apt for the necessary custodie and preservation of the said Records."[2]

[1] Pearce's Inns of Court, 63., quoting MS. Landsowne, No. 40., Art. 38.

[2] Sir F. Palgrave's Report to Parliament, May 15, 1841.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF ELIZABETH.

ANDERSON, EDMUND.

Ch. C. P. 1582.

See under the Reign of James I.

AYLOFF, WILLIAM.

Just. Q. B. 1577.

The town of Wye in Kent belonged in the reign of Henry III. to the ancient Saxon family of Ayloff, whose seat in its neighbourhood was called Bocton-Aloph. In the course of time the representative of the house removed into Essex, where he settled at Hornchurch, and possessed the manors of Brittons, Braxted Magna, &c. William seems to have been the favourite Christian name, and law the ordinary profession of the family; for among the readers of Lincoln's Inn there are no less than three William Ayloffs from 16 Henry VII. to 10 James I. The first of these was this judge's grandfather. His father, also William, was sheriff of Essex and Hertfordshire; and his mother was Agnes, daughter of Sir Thomas Bernardiston of Ketton in Suffolk. The judge himself was the second of these readers, holding that office in Lent, 1571. He had been admitted a member of the society on February 14, 1553, and was called to the bar in 1560. The degree of the coif was conferred upon him in Michaelmas Term, 1577, apparently for the purpose

of his being raised to the seat in the Queen's Bench which had just been vacated by the elevation of John Jeffrey to the chief barony of the Court of Exchequer.[1]

Dugdale does not introduce Ayloff as a judge into the Chronica Series, nor indeed any successor to Jeffrey in the court. But there is no doubt this nomination took place soon after he was made a serjeant; for not only is the fact announced in his pedigree, and in the conveyance of Lincoln's Inn to the society, but his judgments are duly reported by Dyer, Coke, and Savile. Having been present at the trial of Edmund Campion and others for high treason in November, 1581, he was made the subject of a fabricated miracle. In a book entitled "An Epistle of Comfort to the Reverend Priestes, and to the Honorable, Worshipful, and other of the Laye Sort, restrayned in Durance for the Catholicke Fayth," it is thus narrated: "I omitt Judge Alephe, who sitting to keepe the place when the other Judges retyred, while the Jurye consulted about the condemnation of Father Campian and his companye, pulling of his glove, founde all his hande and hys scale of Armes bloodye without anye token of range pricking or hurte; and being dismayed therwith wipinge it went not away but still returned, he shewed it to the gentle men that sat before him, who can be witnesses of it till this daye, and haue some of them uppon theyr faythes and credites auouched it to be true." He sat on the bench till his death on November 8, 1585.

By his wife Jane, daughter of Eustace Sulyard, of Fleming in Suffolk, he had three sons, William, Thomas, and George. William was knighted by King James on his arrival in England; and in 1612 he was further honoured with a baronetcy, which continued in his line till 1781, when it became extinct for want of male issue.[2]

[1] Dugdale's Orig. 119. 253.; Chron. Ser.; Linc. Inn Black Book, iv. 281. 347.

[2] Report, Inns of Court (1856), Cal. State Papers, 637. 639.; Notes and Queries, 2nd S. iii. 376.; Wotton's Baronet. i. 249.; Morant's Essex, ii. 139.

BACON, NICHOLAS.

LORD KEEPER, 1558.

THE eminence to which the name of Bacon arrived in philosophy, literature, and law, during this and the succeeding reign, naturally led to an investigation of the pedigree of the family, with the view of discovering a more illustrious origin than the respectable but by no means opulent parents of the lord keeper would appear to claim. The result was that the lineage was traced up to one Grimbaldus, a landed proprietor in Normandy, who accompanied his relative William, Earl Warren, into England at the time of the Conquest, and settled at Letheringset in Norfolk. One of his great-grandsons in the reign of Richard I. first called himself Bacon, an Anglo-Saxon word signifying "of the beechen tree," in allusion to which he bore for his arms, argent, a beech tree proper. The family widely extended itself over Norfolk and Suffolk, holding considerable estates in the latter county, among which Monks Bradfield and Hesset belonged to the immediate ancestor of the lord keeper.[1] There can be little doubt that the two judges John and Thomas Bacon, who have been noticed under the reigns of Edward II. and III., came from the same stock, both having property in these two counties; but to what branch of the family they belonged has not been correctly ascertained, so numerous were the divisions into which it spread.

Nicholas Bacon was the second son of Robert Bacon of Drinkston in Suffolk, by Isabel the daughter of John Cage, of Pakenham in the same county. His father, who held the office of sheep reeve to the neighbouring abbey of St. Edmund's Bury[2], had four other children, two sons and two daughters. Thomas, the elder of the two sons, died without issue;

[1] Wotton's Baronet. i. 1.; Notes and Queries, 1st S. iii. 41.

[2] Masters's Corp. Christi Coll. 220.

and James, the younger, was a salter in the city of London, of which he became an alderman, and served the office of sheriff in 1569.[1]

Fuller says that Nicholas was born not far from the abbey[2], meaning, no doubt, his father's residence at Drinkston; but most other writers fix the place of his birth at Chislehurst in Kent, and the date about 1509. He was sent very early to Corpus Christi (Benet) College, Cambridge, where he was one of the bible clerks, and proceeded A.B. about 1527. At the university he formed that intimacy with Sir William Cecil which, afterwards riveted by their union with two sisters, lasted throughout their lives. On leaving college he pursued his studies at Paris, where he remained till 1532, in which year he was admitted a student at Gray's Inn. He was called to the bar in the following year, and was made an ancient in 1536, that office being distinct from the grade of a bencher, to which he did not arrive till 1550. It does not appear that he was ever selected as reader to the society; but in 1552 he held the office of its treasurer.[3] That his name does not appear as an advocate in any of the reported cases, may be accounted for by his holding the office of solicitor to the Court of Augmentations, to which he was appointed in 1537. In 1540 he is mentioned as the first of the three commissioners to accept the surrender of the collegiate church of Southwell[4]; and in the same year he is styled solicitor for the university of Cambridge.

One of the projects which the king had at heart on the dissolution of the monasteries in 1539, was the foundation of a house for the study of the civil law and the formation of young statesmen. The preparation of the plan was submitted to Bacon, probably on account of his official position,

[1] Machyn's Diary, 280. 389.
[2] Fuller's Worthies, ii. 334.
[3] Dugdale's Orig. 298.
[4] Rymer, xiv. 674—701.

and two others; who accordingly drew up the scheme, and laid it before the king. It comprehended regular instruction in the Latin and French tongues, with frequent pleadings and exercises in those languages; training some of the students in the knowledge of foreign affairs by sending them with the ambassadors on royal missions, and educating others as state reporters of all historical transactions whether abroad or at home; the latter being bound by an oath that they would perform the duty truly and without respect of persons.[1] The lavish extravagance of Henry having exhausted the means which the monastic lands were to supply, this noble design died in its birth; not, however, without securing the royal favour to Bacon, whose abilities had been manifested in the composition. In 1545, he had a grant of the manors of Redgrave, Bottesdale and Gillingham in Suffolk, which had belonged to the monastery of St. Edmundsbury; and in the following year he was promoted to the office of attorney to the Court of Wards, his patent for which was renewed in 1547, on the accession of Edward VI.

During Edward's reign, Bacon purchased the estate of Gorham, which had belonged to St. Alban's abbey, from John Maynard, the husband of one of the grantee's daughters. There he fixed his residence, and seeing that all rule and authority in the town of St. Alban's was overthrown with the fall of the abbot, he obtained a charter for its incorporation in 1553, being himself nominated high steward.[2]

The accession of Queen Mary made no change in his official position; from which, notwithstanding the bigoted frenzy of the times, he was never removed during the whole of her reign, so great was the prudence he manifested in the

[1] Burnet's Reformation, i. 539.

[2] Newcome's St. Alban's, 481.

avoidance of dangerous topics, and so prominent were his abilities in the performance of his duties.

That he was known to be strongly affected to the reformed doctrines cannot be doubted, from Queen Elizabeth's immediate selection of him as her principal legal minister. On December 22, 1558, little more than a month after Queen Mary's death, he was knighted, and the great seal was placed in his hands as lord keeper. It is a mistake to suppose, according to the statement of some writers, that the title of chancellor remained with archbishop Heath, or that Bacon was the first who held the seal with the title of keeper. With regard to the latter, several instances to the contrary have been related in previous reigns. What was the precise difference between the two offices few could explain, as the powers of both were apparently the same. Doubts, however, having been raised on the subject, it was deemed expedient to put an end to them in the second parliament of this reign, by passing an act declaring that the keeper of the great seal always had, and thenceforth should have, the same rights and powers as if he were lord chancellor.[1]

In the first parliament, which met on January 25, 1559, Bacon contented himself with procuring an act for the recognition of Queen Elizabeth's title, without repealing the statute by which she had been declared illegitimate; upon the maxim that the crown purged all defects, and "chusing," as David Lloyd observes, "the closure of a festered wound more prudent than the opening of it."[2] Bills for the restoration of the queen's supremacy, and for the adoption of a reformed liturgy, having been then introduced, the queen commanded a conference to be held at Westminster, under the superintendence of the lord keeper as moderator, to settle some of the controverted points; at which a certain number of bishops and learned men were appointed to argue on

[1] St. 5 Eliz. ch. 18. [2] State Worthies, 471.

each side. Those of the Popish party, however, refusing to be bound by the regulations which had been made, no discussion took place, and the bills, after considerable debate in the two houses, were passed in both.

During the twenty years that he held the Great Seal, he enjoyed the favour of his sovereign without interruption, except on one occasion, when, through the influence of the Earl of Leicester, whose dislike to him is evident from some letters in the State Paper Office[1], he was charged with assisting John Hales in the composition of a book showing that the succession of the crown on the death of the queen would devolve on the house of Suffolk.[2] Nothing could be more offensive to Elizabeth than any interference in a question upon which she was notoriously jealous; and the known prudence of Sir Nicholas Bacon might well raise a doubt whether he so far failed in his usual caution, as to meddle in so dangerous a matter. It is said, however, that the queen believed the charge, and not only forbade him the court, but even offered the Seal to Justice Anthony Browne, and that Sir William Cecil had some difficulty in persuading her Majesty to restore Sir Nicholas to her good graces. Some presumption of the truth of the story is afforded by the following facts. On October 25, 1566, the queen "understanding the lord keeper's slow amendment" (which looks very like a politic excuse), appointed Sir Robert Catlin, lord chief justice of the Common Pleas, to execute the office of lord keeper in parliament;[3]—in the same year Anthony Browne was knighted—an honour seldom bestowed by Queen Elizabeth on her puisne judges;—and in that session there was much discussion about the succession and the queen's marriage.

Cecil's intercession would probably have had little effect

[1] Cal. State Papers (Lemon), 235. 237.
[2] Wood's Athenæ, i. 405.
[3] Parl. Hist. i. 708.

had Bacon's merits been less. The queen was doubtless not sorry to overlook a slip in the policy of a man whom she highly regarded, and whose grave character, strict integrity, and wise statesmanship, were so serviceable to her government. Her confidence, with this slight interruption, was never withdrawn from him; and to the end of his life he enjoyed her favour so much, that he even ventured sometimes to advise her in the form of a joke. When the queen asked him his opinion of one of the monopoly licenses, which were then so obnoxiously obtained, he answered "Would you have me speak truth, Madame? *Licentiâ omnes deteriores sumus.*" He knew also how to gratify her Majesty by a happy repartee. When she remarked on one of her visits to his mansion, that it was too little for him, he answered, "No, Madame, it is you that have made me too big for it." Whether this occurred at his house at Redgrave, or at Gorhambury, is disputed. Though generally attributed to the former, which was the smaller of the two, it does not appear from the "Progresses of Queen Elizabeth" that she was ever there. If the remark was made at Gorhambury, it probably was at an early part of the reign, and might have been the occasion of his adding the wings to it and a handsome gallery projecting on the west side. By the inscription which he placed on the front of the house, it appears that he completed the building in 1568; and there is an account of a royal visit of five days, so late as 1577.[1] There she took great delight in the early wit of Sir Nicholas's illustrious son Francis, whom she called "her young lord keeper." The great corpulency which oppressed him in his latter years was a subject with which, in good-humoured raillery, she would banter him, saying that "His soul lodged well;" and he would not hesitate to make this infirmity an excuse for writing to her, instead of paying his personal respects; ex-

[1] Newcome's St. Albans, 481. 502.; Anecdotes and Traditions, 63.

pressing himself thus: "Oh! Madame, not want of a willing hart and mynd, but an unhable and unweildy body is the onlie cause of this."[1]

So burthensome was this increase of his size to him, that he could not walk from one court to the other without suffering, and when he took his seat it was the custom for the lawyers to refrain from pleading till he gave the signal with his staff. It was to this infirmity he alluded when he said to a certain nimble-witted counsellor who interrupted him often, "There is a great difference betwixt you and me; it is a pain to me to speak, and a pain to you to hold your peace." In hearing the cases in chancery and the star chamber, he was remarkable for his patience, always saying, "Let us stay a little, and we shall have done the sooner;" and his judgments were distinguished by soundness and moderation.

Sir Nicholas's death took place at York House, on February 20, 1579, a period of the year which renders very improbable the story that it was occasioned by his catching cold from going to sleep with his window open. His remains were deposited under a noble monument erected by himself in St. Paul's cathedral, with an inscription penned by the famous George Buchanan.

All writers concur in their estimate of his character, which may be summed up by what Camden says of him: "He was a man of a gross body, but of great acuteness of wit, of singular wisdom, of great eloquence, of an excellent memory, and a pillar, as it were, of the Privy Council."[2] David Lloyd is equally eulogistic, but his conclusion, where he says, "he was, in a word, a father of his country, and of Sir Francis Bacon," savours something of a bathos.[3] George Whetstones, the encomiastic poet of the time, within a month

[1] Burgon's Gresham, ii. 485.; Cal. State Papers (Lemon), 555.
[2] In Kennet, ii. 472.
[3] State Worthies, 472.

after the lord keeper's death, gives in his "Remembrance," this character of him as a judge: —

"The wronged man, how poor so were his plight,
Against the rich he would restore to right.

"His head was staied; before his tounge did walke,
His eyes did searche the simple sutor's harte;
He trusted teares farre more than filed taulke,
For well he wist thei flow'de from poor mens smarte,
And truthe needes not the aide of retorick's art;
To hear complaintes, one eare was still awake,
The other sleapt till the defendaunt spake."[1]

In his motto, "Mediocria firma," may be seen the modesty of his nature, to which no doubt may be attributed not only his rejection of the superior title of lord chancellor, which his sovereign was willing to give him, and did give to his successor, but also his long continuance in his position, unharmed, and almost untouched, by the assaults of envy or jealous rivalry.

His residence in London, before he became lord keeper, was at Bacon House in Noble Street, Foster Lane, which he built;[2] and afterwards in York House, near Charing Cross, which belonged to the Archbishops of York, and stood on the site of the streets now known by the name and title of George Villiers, Duke of Buckingham, to whom it was subsequently granted. The Cursitor's office in Chancery Lane was erected by him, and he founded a free Grammar School at Redgrave, allotting 30*l.* a year for its support, and settling 20*l.* a year for the maintenance of six scholarships in Corpus Christi College, to be chosen out of that school. Toward building the chapel to this college, the place of his education, he was so liberal a contributor, that the society presented him with a silver mazer the year before

[1] Reprinted at the Auchinleck Press, by Alex. Boswell, 1816.

[2] Stow's London, 320. It was afterwards inhabited by Mr. Recorder Fletewoode.

his death. To the library also of his university he was a great benefactor, and his merits were so highly esteemed there, that eulogistic verses were published to his memory.

Sir Nicholas married twice. His first wife was Jane, daughter of William Fernley of West Creting in Suffolk, Esq., whose sister had married Sir Thomas Gresham. By her he had a family of three sons and three daughters. The eldest son, Sir Nicholas Bacon, of Redgrave, was the first person whom King James advanced to the dignity of baronet, on the institution of the order in 1611; and the title has continued uninterruptedly in his descendants to the present time. A second baronetcy, granted in 1627 to Sir Butts Bacon, of Mildenhall in Suffolk, the fifth son of the first baronet, became united to that of Redgrave in 1755; and a third baronetcy, granted in 1661 to Sir Nicholas Bacon of Gillingham, a grandson of the first baronet, expired for want of issue in 1685.

The date of the death of the lord keeper's first wife does not appear, but his marriage with the second must have taken place some time before he received the Great Seal. She was Anne, daughter of Sir Anthony Cooke of Giddy Hall, Essex, and sister of the wife of Sir William Cecil, afterwards the renowned Lord Burleigh. Her father, the learned and pious preceptor of Edward VI., had given to all his daughters a scholastic education; some of the fruits of which, in Lady Bacon, were her translations of twenty-five sermons from the Italian of Bernardine Achine, published in 1550, and of Bishop Jewell's Latin Apology for the Church of England, published in 1564. Her children by the lord keeper were Anthony and Francis, and to her early instructions may doubtless be attributed some of that eminence to which they both attained; the former in the short life to which he was limited, for he died early; the latter, not only

in his own time and in his own country, but for all ages and throughout the civilised world.[1]

BEAUMONT, FRANCIS.

JUST. C. P. 1593.

FRANCIS BEAUMONT was the eldest son of John Beaumont, master of the Rolls to Edward VI., and Elizabeth his wife, the daughter of Sir William Hastings. His father was deprived of his office for corruption in 1552, and lived about five years afterwards. The earliest mention of Francis is in 1581, when he was elected autumn reader in the Inner Temple, where he received his legal education.[2]

Neither Dugdale nor Wynne include him among the serjeants, but Nichols, in his History of Leicestershire, III. 655., quotes a letter from him to the Earl of Shrewsbury, which proves that he took that degree. It is dated at Normanton by Derby, one of his manors, on July 3, 1589, and in it, after apologising "for omitting to pay 100*l.* on a certain day, he requests the earl's permission to name him as his chief patron in his introductory speech in the court of Common Pleas as a serjeant at law, such being the custom on those occasions." He was evidently, therefore, included in the call of that year.

He was promoted to the bench as a judge of the Common Pleas on January 25, 1593; but sat there little more than five years, his death occurring at his paternal seat of Grace-Dieu on April 22, 1598. There is a monument to his memory in the Charter-house, on which he is represented kneeling before a lectern. Burton, the historian of Leicestershire, who was three and twenty when Beaumont died, calls him a "grave, learned, and reverend judge;" and it may well be believed that his legal attainments alone would not have

[1] Wotton's Baronet. i. 1.; Brit. Biog. iii. 65., State Worthies, 470., &c.

[2] Dugdale's Orig. 106.

procured his elevation to the judicial ermine, had not his character for integrity been such as to remove the stigma attached to his father's name. It would be curious to discover the origin of an absurd story told by Nichols from a manuscript note to Burton's work; which states that two men came before the judge at Grace-Dieu for justice, and one of them prayed that the ground might open and he might sink, if what he attested was not true; that the ground immediately did open, but the judge, by pointing with his finger, ordered them to go off, and it closed again; and that, according to the affirmation of his great-granddaughter's son, the place sounded in his time, being struck on.

By his wife, who died before him, and who was Anne, daughter of Sir John Pierrepoint, of Holme-Pierrepoint in Nottinghamshire, and relict of Thomas Thorold of Marston in Lincolnshire, he had three sons, all of whom were under age at his death; and a daughter who married Thomas Seyliard, of Kent. His eldest son, Henry, was knighted, and died at an early age, leaving only a daughter. His second son, John, then succeeded to Grace-Dieu [1], and obtained a baronetcy in 1626, which expired in 1686, after having been enjoyed by his two sons in succession. Sir John, however, has a better claim to memory than his title, in being the author of "Bosworth Field" and other poems, which not only were admired by his contemporaries, Jonson and Drayton, but have received high praise in our own time from Campbell and Wordsworth. The judge's third son, Francis, has given an immortality to the name of Beaumont which, it cannot be denied, the highest legal attainments fail to secure. Fletcher, the partner of his labours, was curiously enough the son of a bishop; and unbecoming as it might then have been deemed that the representatives of two respected members of the episcopal and judicial bench should devote themselves to

[1] Beaumont's Case, Coke's 9 Rep. 138.

the theatre, yet such is the power of genius over learning—the twin stars of dramatic excellence have so entirely eclipsed the glories of their fathers, that little more is known of the bishop or the judge, than that the poets were their sons.

The judge does not seem to have been knighted, as indeed it was not the queen's custom so to grace the members of the bench. The title is not added to his name in his will, which is dated on April 21, 1598, the day before his death; and in a nuncupative codicil on the 22, he is described as "the said Mr. Beaumont." In neither of these are his sons mentioned, probably because they were provided for by settlement; and to his daughter he merely leaves 700*l.*, which, as it is directed to be paid for her use at the rate of 80*l.* a year, looks as if it were a provision for her education till she attained her majority. The kindness of his disposition is evidenced by the remaining contents of the will, which is devoted to providing for no less than fourteen servants; giving a lease of lands to one, "howseroemeth" in his manor-house at Normanton to another, and annuities and legacies to the rest.[1]

BELL, ROBERT.

CH. B. E. 1577.

ROBERT BELL received his legal education at the Middle Temple, where he arrived at the post of reader in autumn, 1565.[2] Though he is afterwards occasionally noticed in the Reports of Dyer and Plowden, he seems to have been more sedulously engaged in senatorial than in professional duties; having been a member of all Elizabeth's parliaments from 1562 till the period of his death. In October, 1566, he was one of the committee appointed to petition the queen about her marriage, and expressed himself, as some other

[1] Rev. A. Dyce's Lives of Beaumont and Fletcher, prefixed to his Edition of their Works, xx. lxxxix.

[2] Dugdale's Orig. 217.

members did, with considerable boldness, on the unsatisfactory nature of her Majesty's answer. This led to a dissolution in the following January, and no new parliament was called till April, 1571, when Mr. Bell was named among those who were assigned to confer with the spiritual lords for the reformation of the abuses in religion. In a debate on the subsidy, having urged "that the people were galled by two means, . . . namely, by licenses and the abuse of promoters," and having pressed "for the calling in of certain licenses granted to four courtiers to the utter undoing of 6000 or 8000 of the queen's subjects," he was sent for by the council, "and so hardly dealt with, that he came into the house with such an amazed countenance, that it daunted all the house in such sort, that for several days there was not one that durst deal in any matter of importance." On a future day he took part in a debate on parliamentary reform, and subsequently spoke on a bill against usury. Another parliament was summoned in the following year, of which Mr. Bell was elected speaker on May 10[1], but no record remains of his speech on the occasion. By various prorogations this parliament was kept alive till February 8, 1576, when it again met, and the session was rendered remarkable by the committal of Mr. Peter Wentworth for the boldness of his speech on the first day. At the close of it the disagreeable duty was imposed on the speaker of moving the queen on the subject of marriage. This he seems to have done with a great deal of skill, artfully interlarding his address with graceful flattery, and concluding it with the welcome offering of a subsidy. It is evident from the lord keeper's answer, that her Majesty was not offended, for she gave a conditional assent to the prayer, and with gracious words prorogued the parliament on May 14. This proroga-

[1] Parl. Hist. i. 715. 735. 757. 779. 794.

tion lasted nearly five years, and the interval was an eventful one to the speaker.

Notwithstanding the freedom of his language in the earlier part of his parliamentary life, his conduct in the speaker's chair had been so satisfactory to the queen, that she took the first opportunity to reward him. A favourable occasion offered within a year by the death of Chief Baron Sir Edward Saunders, with whose office she accordingly invested him on January 24, 1577, he having two days previously been called to the degree of the coif, and made one of the queen's serjeants;[1] he was at the same time honoured with the order of knighthood. His judicial career, however, was brought to a fatal termination within a very few months. At the summer assizes at Oxford, on the trial of one Rowland Jenkes, "a sawcy foul-mouthed bookseller," for scandalous words uttered against the queen, every person in court was seized with such a malady arising, it was believed, from the stench of the prisoners, that they all died within forty days, to the number of three hundred. Among the victims were Chief Baron Bell, the sheriff, and several knights and gentlemen of the county, Serjeant Barham and other lawyers.[2] The state of the gaols must have been most horrible indeed to have occasioned such an event; but it was not till public attention had been again directed to their disgraceful condition, by a second similar visitation from the same cause at a much later period, that those changes were commenced in the management of the prisons which have led to the admirable improvements now introduced.

Sir Robert's elevation to the bench rendered him incompetent to sit in parliament, and he consequently could no longer fill the speaker's chair; but as the prorogation still continued, neither of the vacancies could be supplied till the next session, which did not occur till nearly four years after

[1] Dugdale's Chron. Ser.

[2] Camden's Eliz. in Kennett, ii. 459.

his death, when the first act of the House of Commons was to elect a speaker in his place.[1]

There was little opportunity to test the powers of Sir Robert Bell as a judge; but Camden describes him as "a sage and grave man, and famous for his knowledge in the law." He was of a respectable Norfolk family, and by his marriage with Dorothy, daughter and coheir of Edmund Beauprè, Esq., of Outwell, in that county, he became possessed of Beauprè Hall. She survived him, and took for her second husband Sir John Peyton, of Doddington, Cambridgeshire. Dorothy, one of the chief baron's daughters, married Sir Henry Hobart, chief justice of the Common Pleas; and Mary, another, became the wife of Sir Nicholas L'Estrange. His male descendants long flourished in the county.[2]

BIRCH, JOHN.

B. E. 1563.

JOHN BIRCH would at first sight appear to have been the earliest puisne baron of the Exchequer who was selected from among the serjeants at law; but a little closer inquiry makes it very doubtful whether he was the John Birch who took the degree of the coif. There were evidently at that time two members of Gray's Inn of that name. In autumn, 1551, a John Birch was appointed reader, and was re-elected in Lent, 1552; and there was also a John Birch, who held the same office in autumn, 1558, and again in Lent, 1560; being on the latter occasion called "Duplex reader,"[3] which could not have been his title if all the four readers had been the same man. One of these John Birch's was made a serjeant on April 19, 1559[4], and consequently then became a member of Serjeant's Inn; so that it could not have been he who was the reader in Gray's Inn in Lent, 1560.

[1] Parl. Hist. i. 809.

[2] Anecdotes and Traditions, Camden Soc. 2. &c.; Blomefield's Norfolk, iv. 133.; Wotton's Baronet. iii. 517.

[3] Dugdale's Orig. 293.

[4] Machyn's Diary, 373.

It follows, therefore, that the reader of 1551 must have been the serjeant, and he may *possibly* have been, as Dugdale designates him, "afterwards Baron of the Exchequer." But as, according to the baron's monumental inscription, he was born about the year 1515, it is far more probable that he should have been the reader of 1558, when he would have been in his forty-fourth year, than that he should have attained that rank in 1551, when he would have been only thirty-six. As it was not then the custom for the barons to be serjeants, and as there is no fact to show that any change took place on this occasion, there is little doubt that Dugdale applied the designation to the wrong man, and that John Birch the reader of 1558 and 1560, and not John Birch the serjeant, was the person who was promoted to the bench of the Exchequer on May 9, 1564, and who sat there for the next eighteen years; especially as, in his patent of appointment, he is described as "Arm.," and not as serjeant.[1]

He died on May 30, 1581, at the age of sixty-six, and was buried in the old church of St. Giles in the Fields, where this unique inscription was placed on his tomb: —

"Interr'd the Corps of Baron Birch lies here,
Of Greyes Inn sometime, by Degree, Esquire.
In Chequer Eighteen Yeers a Judge he was,
Till Soule from aged Body, his did passe.
Alive his Wife, Eliza, doth remaine
Of Stydfolke stocke; one Sonne, and Daughters Twaine,
She bore to him: the eldest, in his Life,
He gave to Thomas Boyer, for his Wife.
His body sleepes till Angels Trumpe shall sound;
God grant we all may ready then be found."[2]

His descendants were settled at North Mundham in Sussex, where there are some monumental inscriptions of the family.

[1] Rot. Pat. 6 Eliz. p. 8. Dugdale by mistake calls it 5 Eliz.; Cal. State Papers, 594.

[2] Stow's London, 897.

BROMLEY, THOMAS.

LORD CHANC. 1579.

LORD CHANCELLOR SIR THOMAS BROMLEY descended from the same ancestor as his namesake, the chief justice of the Queen's Bench in the reign of Mary. Established at Bromleghe in Staffordshire under King John, the family flourished in that and the neighbouring counties throughout the succeeding centuries. Roger Bromley of Mitley in Shropshire, a lineal descendant, had, besides other children, two sons, William and Roger. The chief justice was son of the latter, and the lord chancellor was grandson of the former; his father being George Bromley, the only son of William, who was of Hodnet in Shropshire, and his mother, Elizabeth, daughter of Sir Thomas Lacon of Willey, in the same county. His father was himself distinguished in the law, being a reader at the Inner Temple in the reigns of Henry VII. and Henry VIII.; and his brother, Sir George Bromley, attained in the same profession the rank of justice of Chester under Queen Elizabeth, and was the father of Sir Edward Bromley, who will be noticed as a baron of the Exchequer under James I.

Sir Thomas was born about the year 1530, and, being destined for the law, was sent to the same inn at which his father had studied, where he was reader in autumn, 1566, having been just previously elected recorder of the City of London. He held this honourable post till he became solicitor-general, to which office he was appointed on March 14, 1569, and filled it for ten years, during which, in 1574, he was elected treasurer of his inn.[1]

There is very little account of his proceedings as one of the counsel for the crown, except that he acted in 1571 on the trial of the Duke of Norfolk for high treason, and

[1] Dugdale's Orig. 163. 165. 170.; Chron. Ser.

managed that part of the prosecution which had reference to Rodolph's message.[1] As an advocate he arrived at great eminence; but was scrupulous in undertaking a suit till he was satisfied of its justice, "not admitting all causes promiscuously," says David Lloyd; who adds, that "never failing in any cause for five years . . . he was the only person that the people would employ."[2] An anecdote is told of him, which shows that he had a ready wit in escaping out of a dilemma. Having offered in evidence a deed which the counsel on the other side impeached as fraudulent, arguing that it had not been produced in two former suits on the same title, but some other conveyance relied upon, Justice Catlin, who inclined to that opinion, said to him, "I pray thee, Mr. Solicitor, let me ask you a familiar question; I have two geldings in my stable, and I have divers times business of importance, and still I send forth one of my geldings and not the other; would you not say I set him aside as a jade?" "No, my lord," replied Bromley, "I would think you spared him for your own saddle."[3]

Retained by Lord Hunsdon and patronised by Lord Burleigh, it is not surprising, with the professional character he had acquired, that Bromley, though not yet fifty years of age, should have been selected as the successor of Sir Nicholas Bacon. He received the Great Seal on April 26, 1579, with the rank of lord chancellor, a title which his predecessor had never enjoyed. It is not improbable, however, that there was some doubt which of the two titles should be given to him, for more than two months elapsed after Bacon's death, during which, according to the entries on the Close Roll, the Great Seal remained in the queen's possession;[4] and two speeches are preserved which, if both of them

[1] State Trials, i. 957. 1015.
[2] State Worthies, 610.
[3] Bacon's Apophthegms (1626), 70.
[4] Rot. Claus. 21 Eliz. p. 24.

are rightly attributed to Bromley, would seem to have been prepared by him to deliver to the queen in the event of either determination.[1] Fuller says, "Although it was difficult to come after Sir Nicholas Bacon, and not *to come after him*, yet such was Bromley's learning and integrity, that the court was not sensible of any considerable alteration."[2] He seems to have pursued a steady course in the performance of his official duties, without respect to persons. One Thomas Knyvett, a groom of the privy chamber, having slain a man on whose inquest the jury had returned a verdict of *se defendendo*, applied to the chancellor for a special commission to clear him by a privy sessions in the vacation time. This being refused, Knyvett complained to the queen, who expressed her displeasure through Sir Christopher Hatton; but the chancellor wrote such a complete justification of his refusal that her Majesty was not only satisfied, but commended him for his conduct.[3]

Sir Thomas presided as chancellor over the commission issued in October, 1586, for the trial of Mary Queen of Scots, in which he conducted himself with great decency and personal respect towards the unfortunate prisoner, though in the subsequent proceedings in parliament he was the organ of the house to represent to Elizabeth their unanimous request that the judgment might be executed. Before the next session, which was opened on February 15, 1587, he was seized with an illness which necessitated the appointment of a temporary speaker of the House of Lords, and by which he no doubt escaped being a performer in the despicable proceedings against Secretary Davison on March 28. This illness terminated in his death on April 12, at the age of 57. He was buried in Westminster Abbey, where his son, Sir Henry, erected a splendid monument to his memory.

[1] Egerton Papers, 81. [2] Fuller's Worthies, ii. 259.
[3] Nicolas's Sir C. Hatton, 258, 263.

By his wife Elizabeth, daughter of Sir Adrian Fortescue, K.B., he had four sons and four daughters. One of the latter married Sir Oliver Cromwell of Hinchingbroke Castle, Huntingdonshire, the uncle of the Protector; and another married John Lyttelton of Frankley, whose eldest son was made a baronet; and the first possessor of that dignity was advanced to the peerage as Baron Lyttelton of Frankley, which title is still retained in the family.

Sir Thomas's eldest son, Sir Henry, of Holt Castle in Worcestershire, as well as several of his descendants, represented that county in parliament. William, the fifth in descent from him, died leaving only two daughters. Mercy, the eldest, and eventually his sole heir, became the wife of John Bromley of Horseheath Hall, Cambridgeshire, who thus obtained possession of the whole inheritance. Their son Henry, on May 9, 1741, was created Baron Montfort of Horseheath, a title which became extinct in 1851 by the death of the third lord without surviving issue.[1]

BROWNE, ANTHONY.

CH. C. P. 1558. JUST. C. P. 1559.

See under the Reign of Mary.

ANTHONY BROWNE'S father was Wistan[2] Browne, of Abbesroding and Langenhoo in Essex, and his mother was Elizabeth, the sister of Sir John Mordaunt of Turvey in Bedfordshire, serjeant at law, who became chancellor of the Duchy of Lancaster, and whose son was created Lord Mordaunt.[3] Anthony was born about the year 1510, and after studying at the University of Oxford, where he did not take a degree, he was entered of the Middle Temple, of which society he was appointed reader in autumn, 1553, but no reading then

[1] Collins's Peerage, vii. 247.

[2] In 1 Plowden, 249., he is called William Brown.

[3] Testam. Vetust. 462.

taking place (perhaps on account of the disputed succession), he was re-elected for the following Lent.[1]

Being a strict Roman Catholic, he made himself active in carrying into effect the new orders of religion promulgated under Queen Mary; and, being then a justice of the peace in his native county, a letter was sent by the council in August, 1554, directing him and others to put those in ward who kept themselves from church and were not in other respects conformable. Among the persons brought before him was William Hunter, "an apprentice of nineteen years," who, according to the printed relation of his brother Robert, was "pursued to death by Justice Brown for the Gospel's sake." Robert enlarges on the justice's "fury" and "rage," and seems to lay more blame on him for sending the unfortunate youth to Bishop Bonner, than on that brutal prelate for condemning him to be burnt. In the next year Justice Browne and his fellows sent up another prisoner, whom they called "an arrogant heretic;" and in August, 1557, a special letter was written to him by the council, "geving hym thanks for his diligent proceeding against Trudgeover [whom he had taken and executed in Essex]; willing him to distribute his head and quarters according to his and his colleagues' former determinations."[2]

These energetic exertions were not unrequited. He was called to the degree of the coif, and on the very day that he assumed it, October 16, 1555, he was appointed one of the queen's serjeants; and in the year following the above letter of thanks, Sir Robert Brooke happening to die, Serjeant Browne was, on October 5, 1558, made chief justice of the Common Pleas in his place. Within six weeks, Queen Mary died, and on the day succeeding that event he received a new patent from Elizabeth; but before Hilary Term it was

[1] Dugdale's Orig. 217.

[2] Dr. Maitland's Essays on the Reformation, 427. 468. 514. 559.

deemed expedient to remove both the Catholic chief justices from their more prominent positions, still, however, retaining their legal services. Chief Justice Saunders was accordingly made chief baron, and Chief Justice Browne was removed into the seat of Mr. Justice Dyer, who was placed at the head of the court. This change having been completed on January 22, 1559, Anthony Browne continued to perform the duties of a puisne judge of the Common Pleas till the day of his death. Anthony Wood states that he was offered the Great Seal when the lord keeper Bacon was in temporary disgrace, on the suspicion of having assisted John Hales in a pamphlet arguing that, in the event of Queen Elizabeth's death without issue, the crown would devolve on the house of Suffolk; but that Browne refused it, "for that he was of a different religion from the state." It was perhaps in connection with this offer that he received the honour of knighthood in 1566.

He died on May 16, 1567, at his estate of Weald Hall, or South Weald, in Essex, which he had purchased from Lord Chancellor Rich. He was buried in the church of that parish, and to his remains were added, within the same year, those of his wife Joan, daughter of William Farington, of Farington in Lancashire, and widow of Charles Booth, Esq. He left no issue.

His devotion to Queen Mary did not prevent him from resisting her encroachments on the rights of his chief justiceship. In the interval between Sir Robert Brooke's death and his own appointment, the queen had filled up the vacant place of exigent of London, &c., the presentation to which belonged to his office. As soon as he was installed, he at once admitted his nephew Skrogges, whose right was decided by the judges to be good against Colcshill, the queen's nominee.[1]

Plowden, his contemporary, calls him a judge of profound

[1] Dyer's Reports, 175.

learning and great eloquence, and gives some eulogistic verses composed on his death.[1] He is said to have supplied Bishop Leslie with the legal arguments for his pamphlet in favour of the succession of Mary Queen of Scotland, published under the name of Morgan Philipps, and answered by Sir Nicholas Bacon.[2]

BROWNE, HUMPHREY.

Just. C. P. 1558.

See under the Reigns of Henry VIII., Edward VI., and Mary.

Humphrey Browne of Ridley Hall in Terling, Essex, was the uncle of the foregoing Anthony Browne, being the younger brother of Wistan Browne. Their father was Robert Browne of Langenhoo in that county, and their mother Mary, daughter and heir of Sir Thomas Charlton. Humphrey's first instructions in the law were acquired at the Middle Temple, where he was chosen reader in autumn, 1516, and again in Lent, 1521. His advance in the profession was somewhat slow, for he was not called to the degree of the coif till ten years afterwards, nor made a king's serjeant till Easter, 1536. On November 20, 1542, he was elevated to the bench as a judge of the Common Pleas, a seat which he retained in four reigns. Although his name appears as a witness to King Edward's deed altering the succession, Queen Mary very properly considered the act as one more of compulsion than of choice, and Queen Elizabeth, on her accession, made no immediate change in the judges, whatever were their religious opinions. The quiet and unostentatious performance of his duties was undistinguished by any remarkable incident. Plowden relates that in a case in Hilary Term, 1559, he "did not argue at all, because he was so old that his senses were decayed and his voice could not be heard;"

[1] Plowden's Reports, 356. 376.

[2] Wood's Athen. i. 356. 405. 433.; Morant's Essex, i. 118.

yet he acted for nearly four years after he had thus lost his judicial powers, the last fine levied before him being dated at the end of November, 1562, and his death occurring on the 5th of the next month. His judgments are reported by both Plowden and Dyer.[1]

His remains were removed from a house which he had built in Cow Lane, St. Sepulchre's [2], with great funeral pomp, his nephew Judge Anthony Browne, his brother's nephew Lord Mordaunt, the judges and serjeants, &c., attending, to the church of St. Mary Orgars, in Cannon Street, where one of his wives had been buried, and to which parish he bequeathed several houses.[3]

His first wife was Anne, daughter of Sir Henry Vere of Great Adlington. By her he had a son, George, who died before him, leaving a son, Thomas, who died without issue. By his second wife, Anne, daughter of John, Lord Hussey, he had three daughters; Mary, wife of Thomas Wilford, Esq.; Christian, wife of Sir John Tufton and mother of the first Earl of Thanet; and Catherine, the wife first of Richard Townshend, Esq., the ancestor of the Marquis Townshend, and afterwards of Sir William Roper.[4]

BROWN, ROBERT.

B. E. 1558.

See under the Reigns of Edward VI. and Mary.

ROBERT BROWN does not appear to have been related to either of the preceding judges of the same name, nor has any certain trace been found of the family to which he belonged. All that is known of him is that he was promoted to the bench of the Exchequer as second baron on May 6, 1550, 4 Edward VI., and that he retained his seat during Mary's

[1] Dugdale's Orig. 47. 215.; Chron. Series; 1 Plowden, 190.
[2] Dyer's Reports, 319.
[3] Machyn's Diary, 297. 393.
[4] Morant's Essex, i. 118.; Collins's Peerage, ii. 559., iii. 439., vii. 81.

reign, and for the first two months of that of Elizabeth, when he was replaced by George Freville.[1]

CARUS, THOMAS.

Just. Q. B. 1566.

Thomas Carus was of a Lancashire family, and his descendants in 1684 were seated at Horton, in that county.[2] His legal school was the Middle Temple, where he attained the rank of reader in Lent, 1556. At the end of Mary's reign he was summoned to take the coif, which he received soon after the accession of Elizabeth, on April 19, 1559. From that time till Trinity, 1565, his name occurs in several cases in both Dyer's and Plowden's reports. The date of his elevation as a judge of the Queen's Bench is not given[3], but from the latter author it may be collected that he succeeded Mr. Justice Corbet[4], who is mentioned as sitting in the court as late as Trinity Term, 1566. Carus remained there till his death, the date of which has not been discovered; but no successor seems to have been appointed for him till May, 14 Eliz., 1572, although his name does not appear in the reports after Easter, in the twelfth year.

His daughter Elizabeth married Sir Nicholas Curwen of Workington, M.P. for Cumberland; and by him was the grandmother of Sir Patrick Curwen, who in 1627 received a baronetcy, which expired with him in 1664.[5]

CATLIN, ROBERT.

Just. C. P. 1558. Ch. Q. B. 1559.

See under the Reign of Mary.

There were two contemporary lawyers of the name of Catlin, Richard and Robert, whose arms prove them to be

[1] Dugdale's Chron. Series.
[2] Grandeur of the Law (1684), 253.
[3] Dugdale's Orig. 217.; Chron. Ser.
[4] Plowden's Reports, 376.
[5] Burke's Landed Gentry, 298.

of the same family; but with differences, showing that they did not belong to the same branch of it.[1] Richard Catlin, who was of the society of Lincoln's Inn, was apparently of the second branch, but the older man, being made a serjeant in 1552, and queen's serjeant in 1556. He was connected with the county of Norfolk and was steward of Norwich, which he also represented in parliament.

The branch from which Robert Catlin was descended was anciently seated at Raunds in Northamptonshire. He was born at Thrapstone in that county [2], and became a member of the Middle Temple, where he was elected reader in autumn, 1547. In October, 1555, he was admitted with six others to the degree of the coif; and on November 4, in the following year, Philip and Mary appointed him one of their serjeants. He was raised to the bench as a judge of the Common Pleas on October 10, 1558, five weeks before the death of Queen Mary; and, like all the other judges, received a new patent the day after the accession of Queen Elizabeth. Previous to the following term, on the removal of the two Catholic chief justices, Catlin was, on January 22, promoted to the head of the court of King's Bench, in the place of Sir Edward Saunders. He was then knighted, and continued to preside as chief justice for the next sixteen years, with a high reputation for wisdom and gravity. That he was bold and independent also is apparent from a letter to Lord Burleigh, who had conveyed a message from the queen, complaining of his judgment in a suit in which the Earl of Leicester was a party, wherein he says he "dares not alter the ancient forms of court." [3]

Crown prosecutions seem to have been uncommonly rare during the early years of Elizabeth's reign. While Catlin was chief justice, only two are mentioned in the "State

[1] Fuller's Worthies, i. 568.; Blomefield's Norfolk, i. 682.

[2] Plowden, 342.

[3] Cal. State Papers (Lemon), 107. 416.

Trials," and the "Baga de Secretis" adds very few more. The principal one was that of the Duke of Norfolk, in January, 1571, at which all the judges attended. The whole proceedings are minutely detailed from the report, apparently, of "Mr. Thomas Norton, who wrote down the trial on the scaffold," being, it is to be presumed, the "short-hand writer" employed by the crown. The duke being tried by his peers, neither of the chief justices interfered, except when questions of law were raised, which they decided fairly, according to the acknowledged practice of the times. On pronouncing judgment against Robert Hickford, one of the duke's servants, who pleaded guilty, Chief Justice Catlin made him a long and eloquent speech on the heinousness of treason, thus happily referring to a passage in Chaucer's "House of Fame:"—"As for them that seek fame by Treason, and by procuring the destruction of Princes, where shall sound that fame? Shall the golden Trump of Fame and Good Report, that Chaucer speaketh of? No; but the black Trump of Shame shall blow out their infamy for ever."[1]

However high the character of a judge may be, it is not to be expected that those against whom he decides will always join in his praises. In 8 Eliz., 1566, one Thomas Welsh of London was indicted in the King's Bench for saying, "My Lord Chief Justice Catlin is incensed against me, I cannot have justice, nor can be heard; for that court now is made a court of conscience,"[2] and was fined accordingly. Camden relates that on one occasion the chief justice, having taken exception to a man who had two names, saying "no honest man had a double name, and came in with an *alias*," was somewhat inapplicably asked, "what exception he could take to Jesus Christ, *alias* Jesus of Nazareth?"[3]

Chief Justice Catlin died at his seat at Newenham in Bed-

[1] State Trials, i. 952—1050. [2] Ibid. ii. 1080.
[3] Camden's Remains (1657), p. 147.

fordshire towards the end of 1574, when he was succeeded by Sir Christopher Wray. He married Ann, the daughter of John Boles of Wallington in Hertfordshire, and relict of John Burgoyne.[1] By her he left an only daughter, Mary, who married first Sir John Spencer, and secondly Sir Robert Fowler.[2] Her son by Sir John Spencer was Robert, who was created Baron Spencer of Wormleighton in 1603, and whose grandson was advanced to the earldom of Sunderland in 1643. The fifth earl succeeded under the act of parliament as Duke of Marlborough, his mother being second daughter of the great duke.

The earldom of Spencer of Althorp is derived from the same stock, the first earl having been a younger son of the third Earl of Sunderland. The barony of Churchill of Whichcote, also, was granted in 1815 to a younger son of the third Duke of Marlborough, and all these titles still grace the English peerage.

CLARKE, ROBERT.

B. E. 1588.

See under the Reign of James I.

CLENCH, JOHN.

B. E. 1581. JUST. Q. B. 1584.

THE father of this judge was John Clench of Wethersfield in Essex (son of John Clench of Leeds in Yorkshire); and his mother was Joane, daughter of John Amias, of the same county. John Clench, the judge, removed into Suffolk, and is described as of four different places there; Creeting, All-Saints, Holesley, and Holbrook.

He performed his legal exercises in Lincoln's Inn, having been admitted on February 11, 1556. He was called to the bar in 1568, and was elected reader of that society in Lent, 1574;

[1] Chauncy's Herts, 48.

[2] Collins's Peerage, i. 389.

and though his name does not occur among the counsel in the contemporary reports, he had attained sufficient eminence in his profession to be raised to the degree of the coif in Michaelmas, 1580. From this grade he was promoted to be third baron of the Exchequer on November 27, 1581, and acted in that capacity till May 29, 1584, when he was removed into the Court of Queen's Bench.[1] He was one of the four judges who were assigned to hear causes in Chancery in November 1591, when the Great Seal was in commission after the death of Sir Christopher Hatton.[2] Tradition says that Queen Elizabeth used to call him "her good judge."

He continued to sit till the beginning of 1602, when Sir Christopher Yelverton was appointed in his place; but his death did not occur till August 19, 1607. He was buried in Holbrook Church, and upon his tomb are two full-length marble effigies of the judge and his wife in the costume of the day, with smaller figures on each side of his seven sons and eight daughters. The inscription describes him as the oldest judge of his time.

His wife was Katherine, daughter and heiress of Thomas Almot, of Creeting. Thomas, their eldest son, in 1616 was sheriff, and in 1620 member for Suffolk. He married Margery, the daughter of John Barker, a Burgess of Ipswich, whose grandson and great-grandson obtained baronetcies, which have both failed for want of issue.[3] The judge's family is now quite extinct.[4]

CORBET, REGINALD.

Just. Q. B. 1559.

Reginald Corbet was descended from a very ancient and honourable family of that name seated in Shropshire ever

[1] Dugdale's Orig. 253.; Chron. Ser. [2] Woolrych's Series, 23.
[3] Wotton's Baronet. i. 501., iii. 595.
[4] Shobert's Suffolk, i. 150.; Davy's Suffolk MSS. in Brit. Mus.

since the Conquest; some members of which were barons of the realm from the reign of Henry II. to that of Edward II., and others were ancestors of baronetcies, all of which are extinct except that of Corbet of Moreton Corbet, created in 1808. Reginald was the second son of Sir Robert Corbet of Moreton Corbet, by Elizabeth, the daughter of Sir Henry Vernon of Haddon. He pursued his legal studies at the Middle Temple, and in due course he was elected reader there in autumn, 1551; but for some cause or other his reading was deferred till the following Lent. On October 27, 1558, he received a summons to take upon him the degree of the coif in the following Easter, but Queen Mary's death intervening, a new writ became necessary, and the solemnity of his inauguration took place on April 19, 1559, the feast being given at Inner Temple Hall. On the 16th of the next October he was constituted a judge of the Queen's Bench, where he sat till his death, his successor, Thomas Carus, being appointed in 1566.[1]

He married Alice, daughter of John Gratewood, Esq., and niece and one of the co-heiresses of Sir Rowland Hill; and by her he had a son Richard, who, by his wife Anne, daughter of Lord Chancellor Bromley, was father of John Corbet of Stoke in Shropshire, created a baronet in 1627.[2] This title became extinct in 1750, by the death of its sixth possessor without issue; but his nephew, Corbet d'Avenant, succeeding to his estates and assuming his name, had a new creation in 1786, which also became extinct at his death in 1823.

CORDELL, WILLIAM.

M. R. 1558.

See under the Reign of Mary.

LONG MELFORD in Suffolk was probably the birth-place of Sir William Cordell, as it was the place of his residence and

[1] Dugdale's Orig. 217.; Chron. Series; Plowden's Reports, 356.
[2] Wotton's Baronet. ii. 74. 312. 272. 274.

burial. His family had been long seated in that county, and from a branch of it descended Sir Robert Cordell, who received the dignity of baronet in 1660, which became extinct in 1704 by the death of his grandson without issue.[1]

William Cordell was admitted a member of Lincoln's Inn on April 7, 1538, and was called to the bar in 1543. On September 30, 1553, two months after Queen Mary came to the crown, he was made her solicitor-general. On the 1st of the following November, the benchers of the society of Lincoln's Inn appointed him their butler, and on February 2, 1554, he was fined in the sum of "xxvj*s.* viij*d.*" "for not exercysing the office."[2] This curious entry seems to show that the junior members of the bench had this duty imposed upon them, for in the Lent of that year he was nominated to the post of reader. As solicitor-general he took a part in the prosecution of Sir Thomas Wyat for his attempt against the queen; but his name does not appear in any other state trials during that reign. On November 5, 1557, he was promoted to the office of master of the Rolls, as the successor of Sir Nicholas Hare, and was soon after knighted. In the last parliament of Queen Mary, being then member for Essex, he was chosen speaker; but her death at the close of it made no difference in his judicial position, which he retained for nearly twenty-four years.[3]

Troubling himself apparently very little with politics, he was regarded with favour by the court, and Queen Elizabeth paid him the compliment of commencing her progress in Suffolk, by visiting him at Long Melford Hall, where he gloriously feasted her. While there, on August 4, 1578, she received the envoys sent by Francis of Alençon to sue for her hand.[4] He died on May 17, 1581; and the inscription on his tomb records his endowment of a hospital for poor

[1] Wotton's Baronet. iv. 275.
[2] Black Book, iv. 103. 143. 270. 272.
[3] Dugdale's Orig. 231.; Chron. Ser.
[4] Nicolas's Life of Hatton, 81.

men at Long Melford, for which he procured a grant of incorporation.

He married Mary, the daughter of Richard Clopton, Esq., but leaving no children, Joan his sister, the wife of Richard Allington, Esq., became his heir.[1]

DALISON, WILLIAM.

JUST. Q. B. 1558.

See under the Reign of Mary.

WILLIAM D'ALANZON, who came over with the Conqueror, was the founder of this family. The first who wrote himself Dalison, a direct descendant in the eighth generation, was of Laughton in Lincolnshire, which, near two centuries afterwards, gave the title to the baronetcy granted in 1611 to Sir Roger Dalison, but which failed on the death of his son, in 1645, at the battle of Naseby. Sir Roger was the grandson of George, the elder brother of Judge William, and they were the children of William Dalisōn, who held the offices of sheriff and escheator of his native county, by a daughter of George Wastneys, Esq., of Haddon in Nottinghamshire.

William received his legal education at Gray's Inn, entering in 1534, and having been called to the bar in 1537, he was twice reader there, in the autumns of 1548 and 1552. In the October of the latter year the society presented him with 5*l.* and a pair of gloves on his leaving them to assume the degree of the coif[2]: and on November 2, 1555, he was made serjeant to King Philip and Queen Mary. In the parliament of April, 1554, he was elected representative of the county of Lincoln, and received a grant of the office of one of the justices of the Common Pleas in the county palatine of Lancaster.[3]

By the elevation of Sir William Portman, in 1555, to the head of the King's Bench, at Westminster, the strength of

[1] Weever, 748.; Egerton Papers, 91. 159.; Collins's Peerage, iii. 421.
[2] Dugdale's Orig. 137. 293. [3] Cal. State Papers (Lemon), 61.

that court was reduced to two; and according to Dugdale, the vacancy was not supplied till January, 1558. That author altogether omits Dalison as a judge during Mary's reign; but it is evident that he received the appointment either previous to, or in Hilary Term, 1556, as he is mentioned not only in Dyer's Reports in that and subsequent Terms, but also in a commission of the same and the succeeding year, among the proceedings preserved in the Baga de Secretis.[1] In the latter he is described as a knight, that honour having been conferred upon him on the occasion of his advancement.

The day after Queen Elizabeth's accession his patent was renewed; but he survived only till the 18th of January following. He was buried in Lincoln Cathedral under an altar tomb with his portraiture thereon. By his wife Elizabeth, daughter of Robert Dighton, Esq., of Sturton Parva in Lincolnshire (who after his death married Sir Francis Ayscough), he left four sons and five daughters.[2] His descendants distinguished themselves in King Charles's army; but the male branch of his family failed in 1809. The name, however, has been assumed by the representative of a female branch, which now flourishes at Hampton, near Tonbridge.

His learning as a lawyer was in high estimation. His reading on the stat. 3 Henry VIII., entituled "That wrongful disseisin is no descent in law," is quoted by Dyer, 219.; and his reports in conjunction with Serjeant Bendlowes are a valuable record of the cases of the time.

DYER, JAMES.

Just. C. P. 1558. Ch. C. P. 1559.

See under the Reign of Mary.

Within two months after the death of Chief Justice Dyer,

[1] 4 Report Pub. Rec., App. II. 255. [2] Peck's Desid. Cur. B. viii. 5.

George Whetstone sung his praises in a long lament, which he called "A remembraunce of the precious vertues" of the judge. So early a record of his character, when flattery would be unprofitable, and when falsehood would have been at once detected and exposed, is more valuable than any epitaph prompted by the affection of surviving relatives and expressed in choice phraseology; and the picture it presents, if not admired for its poetry, must at least be valued for its truth. Its representations throw a double interest over the life of the judge, whose legal eminence is made more bright by the reflection of his social virtues.

James Dyer, or, as his name was then often spelled, Deyer, was born at Roundhill in Somersetshire, about the year 1512. His father, Richard Dyer of Wincalton, was of an honourable family, long established in that county, which produced in a senior branch Sir Edward Dyer, the author of several poems and an especial favourite of Queen Elizabeth, who conferred on him the chancellorship of the Garter. James, whose mother's name was Walton, was the younger of two sons, and was from his youth designed for the legal profession. Although it is known that he studied at Oxford, it only appears by tradition that the house in which he was educated there was Broadgate's Hall, on the site of which Pembroke College was afterwards founded. He took no degree, and, from the absence of the records of this house, the date of his entry or removal has not been discovered. According to his poetical biographer, he was first transferred to New Inn, and then to the Middle Temple. There,

> "The deapth of lawe he searcht with painefull toyle,
> Not cunning-quirks, the simple man to spoyle.
>
> "His witte was quicke, his judgement was as sound,
> His clyents, such as were with wrong opprest;

His conscience good, him first with credit cround,
Who with much care his clyents' wrongs redrest;
By vertue thus he clymde aboove the rest,
And fear'd no fall, sith merit was his guide,
When reaching heads ofte slip in chiefest pride."

He must have been called to the bar before the year 1537, as he is then first mentioned as an advocate in his own reports.[1]

On May 19, 1552, he received his writ to take upon himself the degree of the coif in the following Michaelmas Term; and in the interval, according to a common custom of the time, he was appointed autumn reader to his society. The statute of "Wills" was the subject of his reading.[2] He and those called with him were admitted to the degree on October 17, and the ceremony was remarkable as the first *recorded* instance of a motto being inscribed on the rings they presented; that adopted on this occasion being "Plebs sine lege ruit!"[3] Within a month he was additionally honoured by being nominated one of the king's serjeants: and in March, 1553, he was returned member for Cambridgeshire, and elected speaker of the last parliament of Edward's reign.

His patent as serjeant of the crown was renewed soon after the accession of Queen Mary, although his name appears as a witness to the will of Edward VI. excluding her from the throne[4]; which no doubt the queen looked upon as a forced subscription. On the prosecution of Sir Nicholas Throckmorton in April, 1554, he was one of the counsel conducting it; but he seems to have taken only a formal part in the proceedings without exhibiting any virulence against the accused.

[1] Although his reports commence with 4 Henry VIII., Mr. Vaillant, with much probability, thinks that the earlier cases are by another hand; fixing the commencement of those reported by himself, with less reason, so late as 6 Edw. VI.

[2] Pearce's Inns of Court, 68.

[3] Dyer, 71. It is clear, however, that the practice had been previously introduced. *See* antè, pp. 16. 103.

[4] State Trials, i. 760.

His next honour was the recordership of Cambridge; and he was soon after knighted, but on what occasion does not appear. He is described with that title in the patent he received on May 8, 1557, constituting him a judge of the Common Pleas. Another patent, dated April 23, 1558, appointed him a judge of the King's Bench during pleasure, and this has been generally represented as a permanent translation from one court to the other. His own account, however, proves that it was only a temporary appointment, without removing him from the Common Pleas, made for the sole purpose of his keeping the Essoign of Easter Term, instead of Justice Francis Morgan, who was too ill to perform the duty: for a question was mooted whether Dyer's first patent was not rendered void by this new patent. As this was decided in the affirmative [1]; and as on the death of Morgan in the following August his place was supplied by William Rastall, it is more than probable that judge Dyer was at once restored by a new patent to the Common Pleas. This view is strengthtened by the facts, that a fine was levied before him as a judge of the Common Pleas in Trinity Term following [2], and that on the accession of Queen Elizabeth in November, when all the judges were evidently reinstated in their old places, Dyer's patent was for that court.

Queen Mary's death took place in the middle of Michaelmas Term, when it would have been very inconvenient to have made any change in the courts, and consequently the new patents to all the then existing judges were issued on the following day. But before the commencement of the next term, the two chief justices, who were Catholics, were removed to a lower grade, and Judge Dyer, changing places with Sir Anthony Browne, was promoted to the head of the Common Pleas on January 22, 1559. Here he presided till his death, on March 24, 1582, a period of more than twenty-three

[1] Dyer, 143. 158.

[2] Dugdale's Orig. 48.

years; during which the law was administered in his court and on the circuit with such efficiency, firmness, and patience, as not only to secure the confidence and admiration of his contemporaries, but also to fix a glory round his name, which three centuries have failed to dim. His judicial manner is thus described by Whetstone.

"Settled to heare, but very slowe to speake,
Till either part, at large, his minde did breake.

"And when he spake, he was in speeche repos'd;
His eyes did search the simple sutor's harte;
To put by bribes his hands were ever closde,
His processe just, he took the poore man's parte;
He rul'd by lawe and listned not to arte;
These foes to truth, — love, hate, and private gaine,
With most corrupt, his conscience would not staine.

"The friendles wight, which did offend through need,
He evermore with mercy did respect;
The prowder thiefe, that did his trespasse feede,
Through truste in friendes, with scourge of lawe he checkt;
For by the fault, not friendes he did direct.
Thus he, with grace, the poore man's love did drawe,
And by sharpe meanes did keepe the prowde in awe."

This last point of his character was perhaps suggested by the energy he displayed at the Warwick assizes in 1574, in supporting a poor widow against the oppression of a rich knight of that county, whose illegal proceedings were assisted by the bench of magistrates there. One Sir John Conway had unjustly evicted the widow from the farm of Studley St. John's for rent-arrear; and in an action of trespass brought by her had been found guilty, and possession had been ordered to be restored to her. Sir John and his people resisted the sheriff in the execution of his duty of delivering the premises up to the widow, and the magistrates failed to take proper means for suppressing the riot thereby occasioned. The chief justice complained loudly that the justices were not indifferent, that they improperly refused to assist her in

her cause, and did what they could to prevent her obtaining her rights. He caused some of them to be indicted for their neglect of duty, and drew the bills himself, because the parties were poor; and in his charge to the jury forcibly pointed out the law in respect to them. The old judge no doubt expressed himself with angry indignation against the whole bench of magistrates for their oppressive partiality and disgraceful negligence; and they, smarting under the castigation, preferred a complaint against him to the privy council, adding some other trifling charges to give weight to their remonstrance. The chief justice's reply to all the articles is preserved in the Inner Temple, and copied by Mr. Vaillant in his life. It fully justifies every one of the acts of which they complain; and, though there is no record of the council's decision on the case, it is not improbable that the author of the attack was visited with some severe censure; and that he is the person spoken of by Lord Chief Justice Sir Edward Montagu, who says in Wraynham's case in 1618, "the punishment of him that depraved the good judge Sir James Dyer is fresh in memory."[1] Certain it is that the judge received no harm from this malignant assault, but continued to be an ornament to the bench for nearly eight years afterwards. He was buried in the parish church of Great Stoughton in Huntingdonshire, where he had purchased a seat, under a handsome monument still existing.

His reports, which extend from 4 Henry VIII. to the period of his death, are remarkable for their conciseness and accuracy. They were first published in French three years after he died, and several editions have since issued from the press. That of 1688 was illustrated by marginal notes and references by Chief Justice Treby; and that of 1794, the edition now used, is an English translation by John Vaillant, Esq., with valuable additions of modern cases, and

[1] State Trials, ii. 1080.

preceded by a life of the author, of which ample use is made in this sketch.

He married Margaret the daughter of Sir Maurice à Barrow of Hampshire, and widow of Sir Thomas Elyot, the celebrated author of the "Boke of the Governour." She died twenty years before him, leaving no children; and on his death his mansion in Charter-house churchyard and his estate at Great Stoughton descended to Sir Richard Dyer, his great nephew, whose grandson Ludovick was created a baronet in 1627, but dying in 1670 without issue, the title became extinct.

One of the judge's sisters married Simon Farewell, of Hill Bishop in Somersetshire, to whose son Richard he bequeathed all his law books and manuscripts, and who, accordingly, first edited his reports.

Whetstone thus describes his private amusement: —

"For publique good, when care had cloid his minde,
The only joye, for to repose his spight,
Was musique sweet, which show'd him wel inclind
For he that dooth in musique much delight,
A conscience hath disposed to most right;
The reason is, her sound within our eare
A sympathie of heaven we thinke we heare."

And he appends an epitaph worth transcribing: —

"Conditur in tumulo Cato nostri temporis isto,
Conditur, O mæstas consulis exequias!
Flet princeps; lugent proceri; et corde sub imo
Plebs fundit refluas cum gemitu lachrymas;
Et merito nam fautor erat virtutis et auctor,
Consiliique simul, justitiæque parens,
Et vitii durus Judex, censorque malorum,
Et pius; et multis vir generosus avis.
Et semper bonus ille bonis fuit; ergo bonorum
Sunt illi demum pectora sarcophagus."[1]

[1] Whetstone's poem, dated 17 May, 1582; reprinted at the Auchinleck Press by Alexander Boswell, 1816; Vaillant's life prefixed to the Reports. Wood's Athen. i. 480.

EGERTON, THOMAS, BARON ELLESMERE, VISCOUNT BRACKLEY.

M. R. 1594. LORD KEEPER, 1596.

See under the Reign of James I.

EWENS, MATTHEW.

B. E. 1594.

AMONG the readers of the Middle Temple a —— Ewins is named in autumn, 1591, who was probably Matthew Ewens, the future baron of the Exchequer, though not so described by Dugdale. He was called upon to take the degree of serjeant by writ dated November 29, 1593, the return of which was probably in the following Hilary Term. During that term, on February 1, 1594, he was raised to the bench of the Exchequer; and his judgments in that and the following years are reported by Savile and Coke. Beyond this no account appears of him; but his death or resignation soon after occurred, as his successor, John Savile, was appointed in July, 1598.[1]

FENNER, EDWARD.

JUST. Q. B. 1590.

See under the Reign of James I.

FLOWERDEW, EDWARD.

B. E. 1584.

EDWARD FLOWERDEW was one of the sons of John Flowerdew, Esq. of Hetherset in Norfolk, who was a large landed proprietor in that county; and was a correspondent of Lady Amye Dudley (Amy Robsart).[2] Edward took his legal degrees in the Inner Temple, of which society he was admitted a member on October 11, 1552. He was appointed reader in autumn, 1569, and again in Lent, 1577; and was elected treasurer two years afterwards.[3] Although his

[1] Dugdale's Orig. 218.; Chron. Ser.

[2] Gent. Mag. Dec. 1845, p. 595.

[3] Dugdale's Orig. 165. 170.

name does not occur in the reports, it is evident that he held a high character as a lawyer, from the fact that he had several annuities granted to him for his good and faithful counsel and advice: in 1573, one of forty shillings by Thomas Grimesdiche; another of twenty-six shillings and eightpence by John Thornton; and in 1575, a third of five marks by Simon Harcourt; all charged on their several estates.[1] He was also professionally employed by Sir Thomas Gresham.[2] In 1564 he had purchased Stanfield Hall, at Windham in Norfolk, and taken up his residence there, so that probably his principal practice was in the country, which would account for the omission of his arguments from the reports. In Michaelmas, 1580, he was called to the degree of the coif; and in October 23, 1584, he was raised to the bench of the Exchequer as third baron.

In the following February he was one of the judges appointed to try Dr. Parry for high treason; being the first baron of the Exchequer whose name appears on a similar commission.[3] At the assizes held at Exeter on March 14, 1586, when a contagious and mortal disease broke out, which spread from the prisoners to many of the leading gentlemen of the county, Baron Flowerdew was one of those who were seized with the distemper; of which he died before the 11th of April, the date of a letter in which Sir Francis Walsingham announces the event to the Earl of Leicester.[4] The Inquisition of 1599, which Blomefield states to have been taken after his death, evidently applies to another Edward, his nephew, whom he mentions in a subsequent page.[5] His daughter married Thomas, the son of Sir Robert Shelton, Knight.[6]

[1] Blomefield's Norfolk, i. 721. 724. [2] Burgon's Gresham, ii. 493. 499.
[3] Baga de Secretis, App. 4 Report Pub. Rec. p. 273.
[4] Holinshed's Chron. iv. 868.; Leicester Correspondence, 224.
[5] Blomefield's Norfolk, i. 721. 732. [6] Weever, p. 864.

FREVILLE, GEORGE.

B. E. 1559.

FREVILLE was a noble name in the fourteenth century: a member of the family was Sir John Freville of Little Shelford in Cambridgeshire, who was buried in the church of that parish in 6 Edward II. 1312. His descendant Robert Freville of the same place, who died in 1521–2, had three sons by his wife Rose, the second of whom claims a notice in these pages.[1]

George Freville commenced his legal studies at Barnard's Inn, and completed them at the Middle Temple, where he was twice reader, in the Lent vacations of 1558 and 1559. On the first occasion his duties were performed by the celebrated Edmund Plowden; and the second occasion is remarkable from the fact that on the 31st of the previous January Queen Elizabeth had constituted him third baron of the Exchequer; thus affording an evidence that the degree of the coif was not yet a necessary qualification for those who sat on that Bench. He became second baron on April 28, 1594, and was succeeded in that place on June 1, 1579, by Robert Shute.[2]

GAWDY, FRANCIS.

JUST. Q. B. 1588.

See under the Reign of James I.

GAWDY, THOMAS.

JUST. Q. B. 1588.

THERE were two serjeants at law named Thomas Gawdy, father and son; both of whom were members of the Inner Temple. The father, of Harlestone in Norfolk, was reader there in Lent, 1548 and 1553, and for refusing to read in the

[1] MSS. Coll. Arms, C. 41.; Inq. p. m. Camb. 6 Edw. VI.

[2] Dugdale's Orig. 217.; Rot. Pat. 1 Eliz. p. 4.; 6 Eliz. p. 12.

latter year he was amerced [1], although he had been promoted to be a serjeant in the previous October.[2] In the same year he represented Norwich in Queen Mary's first parliament.[3] He died in August, 1566, and his virtues, together with those of Serjeant Richard Catlin who died in the same year, are recorded in a joint Latin epitaph introduced into Plowden's Reports.[4] By one of his wives, Anne, the daughter of John Bassingbourne, Esq., of Woodhall in Hertfordshire, he had two sons, Thomas and Bassingbourne; the latter of whom was the great-grandfather of two baronets, Gawdy of Crow's Hall in Suffolk, and Gawdy of West Herling in Norfolk; but both titles became extinct on the death of their third possessors at the beginning of the last century.[5]

Thomas Gawdy, the eldest son, who was born at Harleston, became in 1558 member for the City of Norwich, as his father had been before him; and was among those who were summoned by Queen Mary in October of the same year to take the degree of the coif in the following Easter; but her death intervening it became necessary to have a new writ, from which, probably at his own request, his name was excluded. In the following year he filled the office of Lent reader at the Inner Temple; and was elected treasurer of the society in 1562.[6] In 1563 he became Recorder of Norwich; and on another summons to take the degree of the coif, he assumed it in Easter term, 1567, being then resident at Claxton Hall in Norfolk [7], which he had purchased the year before. His elevation to the judicial seat took place on November 16, 1574, when he was constituted a judge of the Queen's Bench. Here he sat for fourteen years, and was one of the few puisne judges on whom Queen Elizabeth bestowed a knighthood.

[1] Dugdale's Orig. 164.
[2] Machyn's Diary, 26.
[3] Blomefield's Norwich, i. 277.
[4] Plowden's Reports, 180.
[5] Blomefield's Norfolk, i. 134. 205.
[6] Dugdale's Chron. Ser.; Orig. 165. 170.
[7] Plowden's Reports, 342.

On what occasion he received that honour does not appear; but it is attached to his name both in the commission for the trial of Dr. Parry in February, 1585, preserved in the Baga de Secretis[1], and in that of October, 1586, for the trial of Mary Queen of Scots at Fotheringay.[2] His legal arguments are reported by Dyer, Plowden and Coke; and the latter, in stating Rawlyn's case in Michaelmas, 1587, gives this character of him: "This was the last case that Sir Thomas Gawdy argued, who was a most reverend judge and sage of the law, of ready and profound judgment, and venerable gravity, prudence and integrity."[3] He died in the course of the next year, and his place was supplied on November 25, 1588, by the appointment of his half-brother, Francis Gawdy.

He was married twice; his first wife was named Helwise, and his second Frances; by both of whom he left issue. His eldest son Henry succeeded to his property, and one of his daughters, Juliana, married Sir Thomas Berney, sheriff of Norfolk, 7 James I.; whose son by her was raised to the Baronetcy, which still flourishes in the eighth of that name.[4]

GENT, THOMAS.

B. E. 1586.

AMONG the respectable gentry of Essex was William Gent, Esq., of the manor of Moynes in the parish of Bumpstead-Steeple, who could trace his pedigree backwards more than two centuries. He was the father of Thomas Gent, who raised the family to some eminence by his successful career in the profession of the law. The school in which he acquired the rudiments of his legal knowledge was the Middle Temple, where he arrived at the post of reader in Lent, 1571, and again filled it three years afterwards. Ten years elapsed

[1] App. to 4 Report Pub. Rec., 273.
[2] State Trials, i. 1167.
[3] Coke's 4 Report, 54.
[4] Wotton's Baronet, i. 380.

before he was called to the degree of the coif, in June, 1584; but in the mean time he enjoyed the lucrative appointment of steward of all the courts of Edward de Vere, Earl of Oxford. According to Dugdale he was not raised to the bench of the Exchequer till June 28, 1588, 30 Elizabeth [1]; but this is clearly an error, for he is so designated in a special commission of Oyer and Terminer in Sussex, on February 1, 28 Elizabeth, 1586, preserved in the Baga de Secretis.[2]

There is every probability therefore that he immediately succeeded Baron Shute, who was removed to the Queen's Bench in the same month of February. Coke reports his judgments, and he had the special privilege granted him of acting in his own county as a judge of assize, notwithstanding the prohibition in the statute, 33 Henry VIII. c. 24. He died in the year 1593, and was buried at Bumpstead. His character may be estimated by the lines which Thomas Newton in his Encomia addressed to him, commencing thus:

> "Religio, virtus, pietas, pudor, ac aletheia
> Exulat e terris, mobile vulgus ait.
> Fallitur: Eximias nam qui considerat in te
> Dotes," &c.

He married, early in life, Elizabeth, only daughter and heir of Sir John Swallow of Bocking, by whom he had a family of thirteen children. In 1586 he married secondly, Elizabeth the widow of Robert Hogeson of London, and sister of Morgan Robyns, Esq. The estate has continued from that time to this in the family, and is now enjoyed by a lineal descendant of his eldest son.[3]

GERARD, GILBERT.

M. R. 1581.

GILBERT GERARD'S grandfather was William Gerard of Ince in Lancashire, a descendant from the family of Gerard

[1] Dugdale's Orig. 218.; Chron. Ser. p. 96. This page is full of blunders.
[2] App. 4 Report Pub. Rec. p. 274.
[3] Morant's Essex, ii. 354.

of Bryn, which now enjoys a baronetcy granted in 1611. His father was James Gerard, a younger son of this William, and his mother was Margaret, daughter of John Holcroft of Holcroft.

Admitted into the society of Gray's Inn in 1537; he was called to the bar in 1539; became an ancient in 1547; was appointed autumn reader in 1554, and in the next year he was joined with Sir Nicholas Bacon in the office of treasurer of the house.[1] His name first appears as an advocate in Plowden's Reports in Michaelmas Term, 1554; and Dugdale says, "In the time of Queen Mary (as by credible tradition I have heard), upon the Lady Elizabeth's being questioned at the council table, he was permitted to plead there on her behalf, and performed his part so well, as that he suffered imprisonment for the same in the Tower of London during the remaining terme of Queen Marie's reign."[2] However true the former part of this story may be, the latter part is certainly incorrect, for Plowden records his appearance in court in Michaelmas, 1557; and on October 27, 1558, he was one of the twelve who were summoned to take the degree of the coif in the ensuing Easter Term. Before that time arrived, the death of Mary had taken place, and Queen Elizabeth had, on January 22, 1559, raised him to the office of attorney-general. The new writ to the intended serjeants, therefore, did not contain his name.[3] He retained his important post for no less a period than twenty-two years, during which time there are only two English state trials reported,— those of the Duke of Norfolk and of his servant Hickford for high treason in 1571. At both of these Gerard assisted, and in the first took a prominent part. In the last Hickford pleaded guilty.[4]

He was knighted, after twenty years' service, in 1579;

[1] Dugdale's Orig. 293, 298.
[2] Dugdale's Chron. Series.
[3] Dugdale's Baron. ii. 417.
[4] State Trials, i. 957—1050.

and on the death of Sir William Cordell in May, 1581, was promoted to the office of master of the Rolls, his patent bearing date the 30th of that month. While occupying this post, he seems to have been more engaged in criminal trials than when he was attorney-general, as the Baga de Secretis contains the proceedings of five in which he is named as a commissioner.[1] Three of these are reported; but in neither is he mentioned as in any way interfering. He was also one of the commissioners on the arraignment of Davison, and joined with his colleagues in the shameful sentence pronounced against the secretary, of whom he says that "his great zeal made him forget his duty."[2]

During the vacancy in the office of chancellor between the death of Sir Christopher Hatton on November 20, 1591, and the appointment of Sir John Puckering on May 28, 1592, he was placed at the head of the commission for hearing causes in Chancery.[3] This of itself would be a sufficient contradiction to the account of Dugdale, who, following Erdeswick, says that Sir Gilbert died shortly after January 8, 1592, 34 Eliz., the date of his will, which was proved in "April next ensuing." It turns out, however, that the probate is dated on April 6, 1593; and not only is there in the Baga de Secretis a precept for bringing up Sir John Perrott before the justices, signed by Sir Gilbert on June 12, 34 Eliz. 1592, but among the records of the Carlton Ride is an enrolment of his account as Custos Domus Conversorum, ending on January 29, 35 Eliz. 1593; so that his death must have occurred subsequent to the latter date. The question, which became important in consequence of his successor, Sir Thomas Egerton, not having been appointed till April 10, 1594, is completely set at rest by the entry in the parish register of Ashley in Staffordshire, which, rather unusually,

[1] App. 4 Report Pub. Rec., 272—283.

[2] State Trials, i. 1094. 1230. 1250. 1315.

[3] Claus. 34 Eliz. p. 11.

records his death on February 4, 1592-3, and his burial on the 6th of March following. A noble monument was erected to his memory, but without any epitaph.[1]

Sir Gilbert built a stately quadrangular fabric of stone on his estate at Gerard's-Bromley in Staffordshire, which he had purchased of his kinsman Sir Thomas Gerard of Etwall in the county of Derby. By his wife Anne, daughter and heir of William Ratcliffe, he had, besides four daughters, two sons, Thomas and Ratcliffe. Thomas was raised to the peerage as Baron Gerard of Gerard's Bromley on July 21, 1603, three months after Queen Elizabeth's death; but the title became extinct in 1711, having been held by five generations. From Ratcliffe, Sir Gilbert's second son, descended Charles, who was ennobled in 1645 with the barony of Gerard of Brandon, and advanced in 1679 to the earldom of Macclesfield; but both his sons who succeeded him dying without issue, these titles expired in 1702. From the same Ratcliffe descended also, through another son, Sir Gilbert Gerard of Fiskerton in Lincolnshire, who obtained a baronetcy in 1666, which failed, on the death of the second baronet, in 1684.

Another baronetcy, that of Harrow on the Hill, was granted in 1620 to Gilbert the son of William Gerard, the younger brother of the master of the Rolls; but this also became extinct in 1715.[2]

GLANVILLE, JOHN.

JUST. C. P. 1598.

IF Anthony Wood is correct in stating that John Glanville was bred an attorney[3], he is the first judge who is recorded as having commenced his career in that branch of the

[1] Notes and Queries, 1 s. vii. 609.

[2] Dugdale's Baron. ii. 417.; Erdeswicke's Staffordsh. by Harwood, 83.; Wotton's Baronet. i. 51., iv. 271. 279.

[3] Fasti Oxon. (1820), ii. 64.

profession. He was a younger son of another John Glanville of Tavistock, in the neighbourhood of which the family had flourished for several centuries. He entered himself at Lincoln's Inn on May 11, 1567, and necessarily retired from his first occupation in order to be called to the bar, which event occurred on June 24, 1574.[1] In due course he advanced to the office of reader, which he filled both in Lent and autumn, 1589; the latter occasion being in consequence of his having been called to the degree of the coif; with which he was accordingly invested in Michaelmas Term. Prince states that it was said of him, and of Thomas Harris and Edward Drew, who were called serjeants at the same time, that

"One { gained / spent / gave } as much as the other two."

He does not specially appropriate these characters, but intimates that Drew was on the getting side.[2]

It was not till nine years afterwards that Glanville was promoted to the bench. The date of his patent as a Justice of the Common Pleas was June 30, 1598[3]; a position which he occupied for little more than two years; his death occurring on July 27, 1600. His monument in Tavistock church represents him as a corpulent man, in full judicial costume, in a recumbent posture; and is considered a superior work of art. It was erected by his wife, Alice, the daughter of —— Skirret; who after his death married Sir Francis Godolphin.

Prince describes his character in that superlative style which he ordinarily uses in reference to his Devonshire Worthies, and which in this instance is a mere enlargement of the common-places applicable to every good judge. For the short time he sat on the bench, he enjoyed a good repu-

[1] Black Book, v. 64. 183.
[2] Worthies of Devon, sub. v. Drew.
[3] Dugdale's Orig. 251.; Chron. Ser.

tation, and previously must have attained an extensive practice, for he erected a magnificent mansion at Kilworthy about a mile from Tavistock, which yet exists.

He had issue, three sons and four daughters. The second son, Sir John Glanville, who became a serjeant, and was speaker of the House of Commons in April, 1640, gained a far higher eminence for his legal attainments than his father did, and his reports on controverted elections are still in considerable estimation. His son purchased the estate of Catchfrench, near Liskeard in Cornwall, which is still possessed by the lineal representative of the name.[1]

GREEK, THOMAS.

B. E. 1576.

A THOMAS GREEK held the office of baron of the Exchequer, succeeding James Lord, for one year and ten months, between January 20, 1576, when he was appointed, and November 18, 1577, when he died; but all that is known of him is that he lived sixty-three years, and was buried in the church of St. Botolph, Aldersgate. His daughter Margaret married, first, William Butler, and secondly, William Mill, who was successively amanuensis, clerk, and principal actuary in the star chamber.[2]

HARPUR, RICHARD.

JUST. C. P. 1567.

THE father or grandfather, it is uncertain which, of this judge was Henry, the third son of Sir John Harpur of Rushall in the county of Stafford, descended from a very ancient Warwickshire family, which had flourished from the time of Henry I. The earliest mention of Richard Harpur is as a student at Barnard's Inn, whence he removed to the

[1] Prince's Worthies; Risdon, p. 403.; Gent. Mag. Sept. 1844, p. 264.; Burke.
[2] Rot. Pat. 18 Eliz.; Stow's London, 332, 333.

Inner Temple, where he was elected reader in Lent, 1554, the first year of the reign of Queen Mary. In the last year of that reign he was nominated serjeant, but, in consequence of Mary's death, did not take the degree till April 19, 1558, after Elizabeth's accession. On the death of Anthony Browne in May 1567, he succeeded as a judge of the Common Pleas, the first fine levied before him being dated in the octave of Michaelmas in that year. The last fine with his name is in January, 1577, on the 29th of which month he died and was buried in the church at Swarkestone in Derbyshire, under a monument finely representing him in full legal costume, to which the sculptor has added unaccountably a collar of SS. In that parish he had a mansion, having married Jane, daughter of George Findern of Findern in the same county, and heir to her brother Thomas.

By this lady he left several children, the eldest of whom, Sir John, was father of Henry Harpur of Calke in Derbyshire, who was created a baronet on September 8, 1626. The seventh possessor of the title assumed the name of Crewe in addition to his own, from his great-grandmother, a daughter and co-heir of Thomas Lord Crewe; and the present (the ninth) baronet bears both names.[1]

HATTON, CHRISTOPHER.

LORD CHANC. 1587.

SOMETHING less than justice has been done to the character of Sir Christopher Hatton. He has been looked upon less as a grave counsellor than as an accomplished courtier; and the popular impression with regard to him is more connected with his youthful graces than with his mature services. The prevalence of this feeling is in a considerable degree to be attributed to the jocose stanzas of our poet Gray in his

[1] Dugdale's Orig. 48. 165.; Chron. Ser; Barnard's Inn Reg.; Wotton's Baronet. ii. 3.; Fairholt's Costumes in England, 278.

fanciful account of the mansion at Stoke-Pogeis, which he erroneously supposes to have been occupied by Sir Christopher: —

"Full oft within the spacious walls,
When he had fifty winters o'er him,
My grave Lord-keeper led the brawls,
The Seal and Maces danc'd before him.

"His bushy beard and shoe-strings green,
His high-crown'd hat and satin doublet,
Mov'd the stout heart of England's queen,
Tho' Pope and Spaniard could not trouble it."

It is difficult to reverse the sentence of a poetical judge, especially when the decree is pronounced in quotable phraseology; but truth in the end will triumph, and, whatever may have been the recommendations which introduced him at court, it will be acknowledged that he preserved his position there, and obtained his elevation, by qualities more solid and accomplishments more serviceable than an elegant address or a flattering tongue.

Although the son of a private country gentleman, his lineage, as is usual with the lineage of all men who become great, was satisfactorily traced to a Norman nobleman, whose descendants were long settled in Cheshire until a younger son of one of them married the heiress of Holdenby in Northamptonshire. William Hatton, the grandson of this gentleman, was, by his wife Alice Saunders, father of three sons, the youngest of whom was Sir Christopher, who by the early death of his brothers succeeded, it is believed before he attained his majority, to the paternal estate.

He was born in 1540, at Holdenby, in the house of his father, who died when he was six years old. He became a gentleman commoner at St. Mary's Hall, Oxford, during the reign of Queen Mary, but took no degree[1]; and in 2 Elizabeth, May 29, 1560, he was admitted a member of the Inner

[1] Wood's Athen. i. 582.

Temple. Of his conduct at the university or at his inn of Court, or what studies he pursued at either, there is no account, except that given by Lord Campbell, which, as he quotes no authority, it is presumed is intended rather as an exercise of fancy than as a detail of facts. It is uncertain whether Hatton took the degree of a barrister, because the Inner Temple registry of calls to the bar does not commence till 1567, three or four years after he had entered into the service of the queen; but as he was clearly a member of the Temple in the following year, the probability is that he would not have remained in the house for eight years merely in the character of a student. All that is known of his early residence in the inn is, that in the Christmas of his second year, 1561, the prominent office of "master of the Game" was assigned to him in that celebrated masque, already described, at which Lord Robert Dudley, afterwards Earl of Leicester, was the chief personage, under the title of constable and marshal.[1]

The date of his introduction to court is established by Sir Harris Nicolas's discovery of a warrant dated June 30, 1564, for "one Armour fit for the body of our well-beloved servant Christopher Hatton, one of our Gentlemen-pensioners," which, however, is only to be "delivered to him on his paying the just value thereof."[2] It may be presumed, therefore, that he had previously attracted the queen's notice; and it is not improbable that he did so in some masque of which no record has been made, when his handsome person, his graceful bearing, and (not to omit Camden's description of him) the "modest sweetness of his manners" made a natural impression on his susceptible sovereign.

In 1568 he and four other gentlemen of the Inner Temple composed a tragedy called "Tancred and Gismund" (published

[1] Dugdale's Orig. 150.

[2] Cal. State Papers (Lemon), 242.

by Robert Wilmot, one of the authors, in 1592), which was acted before the queen, each of them, according to the printed dedication, taking a part in the performance. Hatton contributed the fourth act. It is plain that by this time he had ingratiated himself with Elizabeth, as in that year he was appointed keeper of Eltham Park and the Park of Horne, and had effected an exchange of his manor of Holdenby for the site of the abbey and demesne lands of Sulby with her Majesty, who at the same time granted him a lease of his paternal manor for forty years. During the next three years he received continued marks of royal favour, among which were his nomination as one of the gentlemen of the Privy Chamber, and the reversion of the office of queen's remembrancer in the Exchequer.

Hitherto he had taken no apparent part in politics; but he was elected member for Higham Ferrers in the parliament of 1571, and for the county of Northampton in that of 1572. In the latter he was one of the committee appointed to confer with the Lords "on the great matter touching the Queen of Scots;" but he does not appear to have spoken in the house till March 12, 1575, when he presented a message from the queen recommending the enlargement of Mr. Wentworth, who had been committed to the Tower for an offensive speech. At this time he is described as captain of the Queen's Guard, having succeeded Sir Francis Knollys in 1572. Her Majesty gave him the affectionate nickname of "Liddes;" and he addressed her in the warmest terms of love. Scandal indeed was busy as to the nature of his intercourse with the queen; and the reports were not limited to the common herd of calumniators, but were boldly repeated to Elizabeth herself by Queen Mary, and were believed by Catherine de Médicis and others. The letter written by Dyer to Hatton, advising him what conduct to pursue in consequence of a temporary loss of favour at the end of 1572, and his own letters

to the queen in the following year, when he was sent to Spa for his health (preserved in Sir Harris Nicolas's valuable "Life and Times of Sir Christopher Hatton") all contain expressions which are very difficult to interpret under any other supposition than that an intimacy existed between him and the queen which would have been fatal to the character of any less elevated female.[1] To what extent that intimacy was carried, it would be as unseemly as useless to attempt to penetrate; but seeing that the royal favour began when he was about five and twenty, and ended but with his life, extending over a period of twenty-six years, and that it was unbroken but by a few of those *amantium iræ* which rather proved its potency than caused any real interruption, it is impossible not to give him credit for a discretion most uncommon in that age, and for so extraordinary a degree of prudence and modest demeanour as to subdue the efforts of rival claimants, and to secure the esteem and confidence of the wisest counsellors of the crown.

During this period he frequently resided at the house in Eltham Park, apparently keeping up great hospitality. Occasionally he gave a buck for the entertainment of the parish; and here he was visited by Monsieur de Champenaye, ambassador from the Low Countries, who says that, while there, he "heard and saw three things that in all my travels in France, Italy, and Spain I never heard or saw the like. The first was a concert of music, so excellent and sweet as cannot be expressed; the second a course at a buck, with the best and most beautiful greyhounds that ever I did behold; and the third a man at arms (Sir Henry Lea), excellently mounted, richly armed, and indeed the most accomplished cavaliero I had ever seen." The churchwarden's accounts for 1576 contain an entry, "Payd for brede and drynke when y^e

[1] Cal. State Papers (Lemon), 453. 461–466.

Quenes Grasse dyned at Eltham, for ringing, xx.^{d}," her Majesty's host being no doubt Sir Christopher.[1]

Between 1574 and 1577 Hatton obtained possession of the Bishop of Ely's house in Holborn, after an effort by the latter to fly from a contract made between them, which was speedily silenced by the interference of the queen in the following well-known letter: —

"Proud Prelate! I understand you are backward in complying with your agreement; but I would have you know that I who made you what you are can unmake you; and if you do not forthwith fulfil your engagement, by God I will immediately unfrock you.

"ELIZABETH."

Numerous were the grants made to him about this time of estates in various counties, which it is unnecessary to particularize. In 1576 he obtained an act for the assurance of his lands, the contents of which however, the act being a private one, are not detailed among the printed statutes.[2] Besides these he was gratified with a pension of 400*l.* a year for life, with monopolies, and with special advances for the payment of his debts. After having been connected with the court for thirteen years with no higher position than that of gentleman of the Queen's Privy Chamber and captain of her Guard, he was raised on November 11, 1577, to the office of vice chamberlain, and was sworn of the Privy Council; and as appears from the diary of Dr. Dee the astrologer, with whom he like most of his contemporaries conferred, he was knighted on December 1.[3] He still retained his place in the Privy Chamber, his salary for which in 1582 was 50*l.* a year.[4]

From this time his devotion to state affairs is apparent from the letters between him and the principal ministers, who advised with him on all important matters both foreign

[1] Archæologia, xxxiv. 60, 61.
[2] Stat. of Realm, iv. 607.
[3] Dr. Dee's Diary, 4.
[4] Notes and Queries, 1st S. i. 41.

and domestic, and evidently regarded his opinion with a deference which a mere favourite could not command. Still representing the county of Northampton, he appears to have been the queen's organ of communication with the parliament. In 1581 he conveyed her reprimand to the house for presuming to appoint a public fast without her authority; in 1585 he presented the queen's answer to the address of thanks, and communicated her desire that they should adjourn for the Christmas holidays. On this occasion he made the unusual motion, that the house should join in prayer for her Majesty's preservation; and accordingly every one knelt down while Mr. Vice Chamberlain read a prayer "devised and set down by an honest, godly, and learned man."[1]

Hatton's first appearance at the criminal trials was in 1584, on the arraignment of Dr. William Parry, who pleaded guilty to a charge of high treason. Sir Christopher, who was in the commission, thereupon required that the prisoner's full confession should be openly read,—a course which he deemed expedient, as "the justice of the realm had been of late very impudently slandered."[2] In the trials of Babington and the other conspirators relative to Mary, Queen of Scots, which took place in September, 1586, Sir Christopher took a prominent part, and, if a judgment is formed from modern prosecutions, not an impartial one. But looking at the practice of those times, and remembering that, according to it, all the prisoners and witnesses had been examined previously before him, it is not to be wondered at that, sincerely attached as he was to the queen, he should be unable to restrain his indignation against those who had aimed at her life. But, prejudiced as he could not but be by the confessions he had heard, there was more of indiscretion than un-

[1] Parl. Hist. i. 812. 827.

[2] State Trials, i. 1095—1112.

fairness in the remarks he interposed; and the kindness of his nature was manifested by his promise to pay the debts of one of the accused, of whose guilt there is no doubt.[1]

The trial of Queen Mary immediately followed, Hatton being one of the commissioners; and her consent to plead, which she at first refused, was at length yielded, "persuaded," as she declared, "by Hatton's reasons," which he had delivered with force and eloquence the day before. In the parliament which was called in the next month, he took the lead in urging her execution, expressing, as plainly appears from the whole proceeding, the universal wish of all parties in both houses. The queen's answer to their joint petition was delivered on November 12; and the warrant, after an affected hesitation, was signed on February 1, 1587. Secretary Davison, to whom it was given, having resolved not to act on his own responsibility, the Privy Council was summoned, and, in consequence of their decision, the warrant was forwarded to Fotheringay. Notwithstanding this, all the counsellors escaped public censure, except the unfortunate secretary, who was no more guilty than the rest, if guilt there was. But the queen wanted a pretence to excuse herself; and Davison was sacrificed to her hypocrisy by a severe sentence of fine and imprisonment. Had there been any sincerity in the queen's complaint, the whole council would have felt the weight of her indignation; but there is nothing to show that any other member of it suffered from her frowns. On the contrary, Sir Christopher Hatton, whom she must have known to have been anxious to release her from all fears about the Scottish queen, and to have been present when the warrant was forwarded, was, within a month after the unjust proceedings against Davison, rewarded with the highest civil rank in the state.

The office of lord chancellor became vacant on April 12,

[1] State Trials, i. 1127—1155.

1587, by the death of Sir Thomas Bromley. Edward, Earl of Rutland, was destined by the queen to be his successor, but dying six days afterwards, the Great Seal remained in Elizabeth's hands till the 29th of that month, when she gave it to Sir Christopher Hatton. It is said that in the interval the place was offered to Archbishop Whitgift, who not only declined it, but recommended that it should be filled by Hatton; and the tale derives some corroboration from the fact that the delivery of the Seal to the new chancellor took place at the archbishop's palace at Croydon.[1]

That Hatton's elevation to this high and important office occasioned some surprise cannot be doubted; for the public would naturally consider him a mere courtier, and would have forgotten that he had received a legal education. But he had now been known to the ruling powers more than twenty years, during the last ten of which he had been one of the queen's most secret counsellors, advised with not only by her but by her leading ministers on all occasions. They thus had a full opportunity of judging of his talents and abilities; and their high appreciation of them is sufficiently evidenced by the correspondence which Sir Harris Nicolas has published. Although his early call to a court life prevented him from pursuing the practice of the law, it is to be remembered that in his youth he spent some years in the study of it—and also that he had been long accustomed as a privy councillor to sit in the Star Chamber. That these advantages were not wholly unproductive of fruit is proved by the judicial character he acquired for care and industry in acquainting himself with the rules of his court, and for wisdom and impartiality in the judgments he pronounced. He had the caution to require the attendance of four masters in Chancery when he sat in court, and two when he heard causes in his own house.[2] Among these was Sir Richard Swale, whom Fuller

[1] Rot. Claus. 29 Eliz., p. 24.

[2] Egerton Papers, 125.

calls his "Servant-friend." This gentleman, who was also a doctor of the civil law, Hatton in the year 1582 recommended in strong terms to be nominated proctor of the university of Cambridge, on account "of his great sufficiency, gravity, and good government," and "because he is a man in truth in whom I repose great confidence." In another letter he mentions his "servant Swale;" and it appears that he refrained from further interference on this occasion, in consequence of a letter from Lord Burleigh, who suspected that Swale "maintained covertly in the college a faction against the true religion received."[1] In the same year, however, Swale is mentioned as a master in Chancery[2]; and Sir Christopher Hatton, when he sat at the head of the court, is reputed to have followed his advice in all matters of moment. Fuller says "that some sullen Serjeants at the first refused to plead before him,"—forgetting that his court was not their usual arena, but adding that, "partly by his power, but more by his prudence, he convinced them of their errors and his abilities." His supposed incompetency to his judicial duties does not seem to have weighed so heavily upon him as to prevent his enlivening the bench with a joke. In a cause relative to the boundaries of some land, the counsel for the plaintiff having said, "We lie on this side, my Lord;" and the counsel for the defendant, "We lie on that side, my Lord;" the chancellor stood up, and said, "If you lie on both sides, whom will you have me to believe?"[3] According to David Lloyd, "the chancellorship was above his law, but not his parts; so pregnant and comprehensive that he could command other men's knowledge to as good purpose as his own. Such his humility, that he did nothing without two lawyers; such his ability, that the queen did nothing without him. . . . . Seldom were his orders reversed in Chancery,

[1] Nicolas's Hatton, 250. 254. 261.
[2] Legal Judic. in Chanc. 86.
[3] Bacon's Apophthegms, 97.

and seldomer his advice opposed in council. So just he was, that his sentence was law with the subject; so wise, that his opinion was oracle with the sovereign." [1]

During the remaining four years and a half of his life, he continued to perform the duties of the chancellorship in such a manner as to escape condemnation from his legal contemporaries, and to retain the favour of his sovereign. His advance to the office is reported to have been urged by court cunning, in the hope that, by his necessary absence in the exercise of its functions, his favour with the queen would abate. But there is no appearance that it produced that effect. On the contrary, in April, 1588, a year after his promotion, he was honoured with the order of the Garter; and on the death of the Earl of Leicester, he sought for and attained, no doubt by the queen's encouragement and influence, the honourable position of chancellor of the university of Oxford. It is thus apparent that she did not even resent the courage he had recently displayed in remonstrating with her against affixing the Great Seal to letters patent granting to the earl the unconstitutional post of Lieutenant of England and Ireland. He only presided over one parliament during his tenure of office. On February 4, 1589, he opened it with a sensible speech, in which, while he enlarged on the queen's earnest wish to preserve peace, he exhibited in forcible terms the necessity of providing for the safety of the kingdom against such attacks as might be expected from the Spaniards in revenge for the discomfiture of the "vast Armado" in the preceding August. After granting a handsome supply for the purpose, the Parliament was dissolved on March 29th.[2]

No further event of any importance in the chancellor's history is recorded before his death on November 20, 1591. Camden states that "he died of a Diabetes," and that

[1] State Worthies, 522.

[2] Parl. Hist. i. 853. 858.

"'twas thought his distemper was heightened by the regret he conceived at the queen's demanding from him a large sum of money in consideration of the Tenths and First-Fruits, of which he had the management; which sum he hoped would be remitted, as he was so great a favourite with her Majesty." Fuller a little varies from this account, stating that "it broke his heart that the queen (which seldome gave boons, and never forgave due debts) rigorously demanded present payment of some arrears which he did not hope to have remitted, but did only desire to be forborn; failing herein in his expectation, it went to his heart, and cast him into a mortal disease. The queen afterwards did endeavour what she could to recover him, bringing, as some say, cordial broths unto him with her own hands; but all would not do. Thus, no pullies can draw up a heart once cast down, though a queen herself should set her hand thereunto." [1] On several occasions there are accounts of his suffering from sickness; and his last illness was probably a violent attack of his old disease, its termination being embellished with the story of the broken heart, which was no doubt one of those supposititious rumours which tale-bearers are so fond of circulating. It probably originated in the simple fact that after his death the ordinary course of placing an extent on the property of accountants to the crown, to secure the payment of any balance they might owe, was adopted. But whatever may have been the real cause of his illness, one fact is incontrovertibly proved, — that to the last moment of his life, the queen's regard for him was undiminished.

He was buried with great pomp in St. Paul's cathedral, where a splendid monument was erected to his memory by his nephew Sir William Hatton.

Surrounded as he was by statesmen of unrivalled talent, an acknowledged favourite among many rivals, honoured and

[1] Fuller's Worthies, i. 165.; Camden's Elizabeth, Kennet, ii. 566.

rewarded above his compeers, and holding prominent positions in the council and the court during a long series of years, the absence of any weighty, and the failure of every malicious[1] charge against him, the respect and friendship of the great and good men of his day, and the amicable relations in which he lived with his competitors for the queen's personal favour, all prove that he was a man of no ordinary capacity, and that he was as amiable in his disposition as he was discreet in his conduct, neither exciting opposition by arrogance, nor using his known influence to the injury of others. His principal rival in the queen's affections, the Earl of Leicester, called him in his will, his "own dear friend," and bequeathed to him, besides other valuable gifts, his George and Garter, "not doubting that he shall shortly enjoy the wearing of it." His love of literature has not been denied; and of his encouragement of the learned many evidences remain. In the religious contests of the time, he always took the part of a moderator; and though suspected of being favourable to the Catholics, he endeavoured to intercept the rigour of the law against the Puritans, being of opinion that "in the cause of religion neither searing nor cutting was to be used." It is to be lamented that of such a man, a recent biographer should have tauntingly said that, "while holding the Great Seal his greatest distinction continued to be his skill in dancing," with no other authority for the observation than the relation in a contemporary letter that on one occasion he threw off his official gown and joined in the dance. It is somewhat hard that, because a man had excelled in the amusements of youth, he should be supposed to indulge in them to the end of his life; and it

[1] The suspicion that he was implicated in the death of the Earl of Northumberland, who shot himself in the Tower in *June, 1585*, is too palpably unfounded to justify even an examination of the charge. The particulars of the earl's death are stated at large in State Trials, i. 1111—1128.

is still harder that he should be taxed with frivolity because, on the festive occasion of the marriage of his heir, he condescended to be a participator in the mirth. The noble author's respect for one of the most estimable statesmen of the present day is surely not diminished because he was reputed to be a graceful dancer when chancellor of the Exchequer; nor though a late venerable judge is known to have mixed with his family in their Christmas reels, can it be supposed that the noble author held his legal attainments in less regard.

Sir Christopher dying unmarried, his estates devolved, by a settlement he had made, on his nephew Sir William Newport, the son of his sister. This gentleman, who took his uncle's name, married twice; and his second wife afterwards became the wife of Sir Edward Coke. By his first wife he had an only daughter, who married Robert Rich, second Earl of Warwick; but leaving no male heirs the chancellor's, estates descended on the heir of entail, Sir Christopher Hatton the grandson of a younger brother of the chancellor's father. His son was created Baron Hatton of Kerby in Northamptonshire in 1643, and the second baron was advanced to the Viscounty of Hatton of Gretton in the same county in 1682; but both titles became extinct in 1762, by the death of the second viscount without issue.

The name of Hatton still survives in the peerage, having been assumed by the present Earl of Winchelsea and Nottingham's grandfather, whose mother was only daughter, and eventually heiress, of the first Viscount Hatton.[1]

[1] I am largely indebted for many of the materials of this sketch to Sir Harris Nicolas's interesting "Memoir of the Life and Times of Sir Christopher Hatton."

HEIGHAM, CLEMENT.

Ch. B. E. 1558.

See under the Reign of Mary.

The family of Heigham, so called from a village of that name in Suffolk, ranked for many centuries among the best gentry, and still flourishes, in that county. The chief baron's father, Clement Heigham of Lavenham, was of a junior branch of it; and his mother was Matilda daughter of Lawrence Cooke. Educated for the bar at Lincoln's Inn, where he was admitted on July 20th, 1517[1], he arrived at the grade of reader to that society in autumn, 1538. Nearly nine years afterwards he was again called upon to perform the same duty, being appointed duplex reader in Lent, 1547; and from that time for the next ten years he was one of the governors of the house.[2] At an early period of his career the monastery of St. Edmundsbury appointed him chief bailiff of the liberty of St. Edmund; but there is no appearance of his practising in the courts at Westminster, his name being nowhere mentioned in the Reports. This may have arisen in some measure from his being a Roman Catholic, a sufficient impediment to any professional advancement in the reign of Edward VI. Within two days after the death of that monarch he was one of the persons to whom the Princess Mary addressed a letter desiring them to attend her at Keninghall Castle in Norfolk; and his ready obedience to the summons is proved by his presence there being announced to Queen Jane's council on July 12.[3] He was soon engaged in Mary's service as a privy councillor, and sat in parliament successively for Rye, Ipswich, West Looe, and Lancaster. After the queen's marriage with King Philip, he was selected as the speaker of the parliament that met on

[1] Black Book, iii. 77.

[2] Dugdale's Orig. 251. 260.

[3] Chron. of Jane and Mary, 5. 175.

November 11, 1554, in which the attainder of Cardinal Pole was reversed, and the supremacy of the pope restored. The revival of the acts against heresy induced nearly forty members, whose names are preserved by Sir Edward Coke, to leave the house in disgust at the obsequiousness of the majority to the ruling powers. Among them was the eminent lawyer Edmund Plowden; and it was probably by his advice that they defended the indictment which the incensed queen had ordered to be preferred against them. All, except six who timidly submitted, ultimately escaped punishment by the death of the queen.[1] The parliament was dissolved on January 16; and eleven days afterwards Heigham the speaker received the honour of knighthood from the hands of King Philip.[2]

On March 2, 1558, he was promoted to the office of lord chief baron of the Exchequer, vacant by the death of Sir David Brooke; but though on the accession of Queen Elizabeth he received a new patent, and thus occupied the place in two reigns, he retained it little more than ten months in all, being removed, or resigning it, on January 22, 1559, to make way for Sir Edward Saunders.

Sir Clement then retired to his seat, Barrow Hall in Suffolk, where he spent the remainder of his life, beloved for his piety and benevolence, and for the readiness he always evinced in accommodating the differences of his neighbours,—showing himself in all respects a loyal subject, and making himself so little obnoxious by his religious opinions that the lord keeper Sir Nicholas Bacon was a visitor in his house. He died there on March 9, 1570, and was buried under a fair tomb in Thurning church in Norfolk.

He married twice. His first wife was Anne, daughter of John de Moonines of Seamer Hall in Suffolk; and his second was Anne, daughter of Sir George Waldegrave of

[1] Parl. Hist. i. 617—625.

[2] Machyn's Diary, 342.

Smalbridge and widow of Henry Bures of Acton, in the same county. By each he had several children, and his representatives have preserved the honour of the family from that time to this. One of them was designated by Charles II. as a knight of the projected order of the Royal Oak.[1]

JEFFREY, JOHN.

Just. Q. B. 1576. Ch. B. E. 1577.

John Jeffrey, or Jefferay, was of an old Sussex family, in which county he was born. His father was Richard, the second son of John Jeffrey of Chiddingly manor, inherited from a long line of ancestors. His mother was Elizabeth; the daughter of Robert Whitfield. After pursuing his legal studies at Gray's Inn (where he was admitted in 1544, called to the bar in 1546, and made Lent reader in 1561), he was summoned to the degree of serjeant in Easter Term, 1567; on which occasion he was presented with a purse containing 10*l.* by the society. On October 15, 1572, he was nominated one of the queen's serjeants; and on May 15, 1576, he was promoted to a judicial seat in the Queen's Bench. Within a year and a half he was called upon to succeed Sir Robert Bell as chief baron of the Court of Exchequer, his patent for which is dated October 12, 1577.[2] In the course of the next year his seat was vacated by his death, which happened previously to November 17, 1578, when his successor was appointed. He was buried in Chiddingly church, where, in a small chapel, a magnificent monument was erected to his memory, on which he is represented in his robes.

David Lloyd in his "State Worthies," p. 221. gives the following curious summary of his character. "This was he who was called the plodding student, whose industry per-

[1] Burgon's Gresham, ii. 108., quoting Gage's Hist. of Suffolk; Collins's Peerage, iv. 236.; Fuller's Wothies, ii. 350.; Wotton's Baronet. iv. 373.

[2] Dugdale's Orig. 137.; Chron. Ser.; Gray's Inn Books.

fected nature, and was perfected by experience. He read not to argue only, for that is vanity; nor to believe and trust, for that is easiness; nor to discourse, for that is idle; but to weigh and consider, for that is prudence. He had his studies for pleasure and privacy; for ornament and converse; and for judgment and business. To spend too much of his time on his book was sloth; to talk by the book was affected; and to act by it was humoursome and scholarlike. Four things, he would say, helped him: 1. His inclination: (It's a great happiness to man, saith Aristotle, when his calling is one of the things which agree with his nature.) 2. Method. 3. Religion, with that just and composed mind which attends it. 4. A great happiness in all the four faculties that make a lawyer: — 1. A sharp invention and clear comprehension to search all the circumstances of a case propounded: — 2. Judgment to examine and weigh the particulars invented and apprehended; for truth lieth in things as gold in mines: —3. Memory to retain what is judged and examined: — 4. A prompt and ready delivery of what is conceived and retained, set out with ingenuity and gravity. Oratio prompta non audax. What he said was close and pinching, and not confident and earnest; allowing passion not to disturb either the method or delivery of his discourse, but to quicken it." And so on through three pages more of his sententious phrases.

His first wife was Elizabeth, daughter and heir of John Ansley, Esq., by whom he had an only daughter of the same name, who married Edward the first Lord Montagu of Boughton, and was the mother of an only daughter, also named *Elizabeth*, who became the wife of Robert Bertie, the first Earl of Lindsey.[1] Sir John's second wife was Mary, the daughter of George Goring, Esq.[2]

[1] Horsfield's Lewes, ii. 66.; Collins's Peerage, ii. 14. [2] Popham, 108.

KINGSMILL, GEORGE.

Just. C. P. 1599.

See under the Reign of James I.

LORD, JAMES.

B. E. 1466.

The same provoking deficiency which has been so often noticed with regard to the puisne barons of the Exchequer in previous reigns, prevails in reference to James Lord; of whom nothing whatever is known except his appointment as a baron on November 12, 1566, in the place of Thomas Pymme. His death occurred before January 20, 1576, when Thomas Greek was declared his successor.

LUKE, NICHOLAS.

B. E. 1558.

See under the Reigns of Henry VIII., Edward VI., and Mary.

Nicholas Luke of Cople in the county of Bedford, who sat on the bench of the Exchequer in four reigns, was the only son of Sir Walter Luke, a judge of the King's Bench under Henry VIII., by Anne, the daughter and heir of Lancelin of Lancelinsbury in the county of Huntingdon, who had been previously married to William Oxenbridge, and is said to have been the nurse of Henry VIII. Nicholas, like his father, received his legal education at the Middle Temple, and exactly twenty years after him filled the office of reader—viz., in autumn, 1534. His name does not occur in the Reports as an advocate; but on April 14, 1540, 31 Henry VIII., he was constituted third baron of the Exchequer. He retained his seat there throughout the reigns of Edward VI. and Mary, and received a renewal of his patent on the accession of Queen Elizabeth. He died in 1563.

His wife was the daughter and heir of Thomas Walton

of Bassingmeyd, who brought him a large family, some of whose descendants still flourished in 1684.[1]

MANWOOD, ROGER.

JUST. C. P. 1572. CH. B. E. 1578.

THE family of Roger Manwood was established at Chichester in Sussex, until his grandfather, also named Roger, settled himself at Sandwich, where he was twice mayor, and was returned to parliament as its representative in 1523. At the coronation of the unfortunate Queen Anne Boleyn in 1533, he was selected as one of the privileged supporters of the canopy over her. He died shortly afterwards, leaving a large family; one of whom, Thomas, was a draper "in good account" in the town, and by his wife Catherine, the daughter of John Gallaway of Clare in Norfolk, was the father of three sons, of whom the chief baron was the second.

Roger Manwood was born at Sandwich in 1525, and received the rudiments of his education in a grammar school there belonging to Thomas Ellis's chantry. No account is given of any further place of study till he was entered at the Inner Temple. He was called to the bar by that society before 1555, as in that year he was appointed steward or recorder of his native town. In the same year he was elected its representative, and sat in that and the following parliament in Mary's reign, and in all those of Queen Elizabeth till the fourteenth year, when he was elevated to the judicial bench.

In his progress towards that advancement, he seems to have owed much to the popularity of his manners and a happy choice of friends. He was evidently a favourite among his brethren of the Inner Temple, since he was selected at Christmas, 1561, as one of the chief officers in the grand revel then held there, over which Lord Robert Dudley, after-

[1] Dugdale's Orig. 216.; Chron. Ser.; Visitation Hunts. 60.; Gent. Mag. lxxxvii. part ii. 394.

wards Earl of Leicester, presided under the title of Palaphilos. Curiously enough the role which Manwood then performed, was that which, eighteen years later, he was called upon actually to fill—that of chief baron of the Exchequer. In Lent, 1565, he attained the degree of reader to the society[1]; and his lecture on the occasion may probably be that which is preserved among the Harleian MSS., No. 5265.

At this period of his life he testified his gratitude for the favours he was receiving from the town of his birth, by supplying the loss of the school where he was educated, which had been occasioned by the dissolution of chantries in the reign of Edward VI. He established and liberally endowed a free school there, which was incorporated in 1563, and still exists under his name, flourishing, it is to be hoped, according to the intention of its founder. When this was completed in 1566, he resigned his office of recorder, but still continued the principal adviser of the corporation, receiving an annual salary of 3*l.*, which, according to the corporation papers, would appear to have been paid to him even after he had attained his highest preferment. He held also the office of steward of the Chancery and Admiralty Court at Dover.

Among his friends was Sir Thomas Gresham, who took great interest in his success. In a letter to Sir William Cecil, dated June 20, 1566, the merchant begs that powerful minister "to have my friend Mr. Manwode in remembrance." The effect of this recommendation may have been the grant which Manwood received about this period, of the house and park in the queen's manor of Hawe in the parish of Hackington near Canterbury, where he then resided. But he may also have owed his professional advancement to the urgency of his commercial friend; for on April 23, 1567,

[1] Dugdale's Orig. 150. 165.

he was promoted to the degree of serjeant. The support that he gave to the government in parliament, which is evidenced in his speech on the Treason Bill in 1571, and by his appointment as one of the committee to confer with the House of Lords on the subject of the Queen of Scots[1], seems to point him out as a candidate for the bench; but the profits and privileges of the coif were so great, that when an opening occurred by the death of Mr. Justice Walsh, he again employed Gresham's influence with the minister to avert the threatened elevation. Sir Thomas in a letter dated April 26, 1572, thus addresses Lord Burleigh:—"This is most humblie to desire you as to extend your goodness unto Mr. Serjeant Manwoode, that he maie be no judge at this time; considering there are serjeantes more auncient and of better welthe than he is, wherein your lordship will do me a verie singular pleasure and him no less, because yet his welthe doth not serve to accept anie such office upon him."[2]

Whether the serjeant saw reason to change his inclination, or another vacancy in the same court, which soon after occurred, had rendered it difficult for Lord Burleigh to fill the seat efficiently without him, certain it is that on the 14th of the following October he received his patent as justice of the Common Pleas. He does not seem the most merciful of judges; for in a letter to Sir Walter Mildmay, dated Nov. 18, 1577, he recommends either imprisonment for life, or the cutting off part of his tongue as the punishment to be awarded to a man who persisted in speaking ill of the queen, after having suffered the pillory and had his ears cut off.[3]

He had now rebuilt the mansion at Hackington; and a pleasant account is given by Sir Francis Walsingham of his reception there in a letter to Sir Christopher Hatton, dated June 27, 1578. He says, "I may not forget to acquaint

[1] Parl. Hist. 745. 779.
[2] Burgon's Gresham, ii. 175. 478.
[3] Cal. State Papers (Lemon), 566.

you with the honourable entertainment the Lord Cobham and I have received at Mr. Justice Manwood's house in his absence, the same being performed not only very bountifully but also most orderly. The man is greatly loved and esteemed here for his uprightness and integrity of the best sort of the gentlemen of this shire; which is a most apparent argument of his good and just dealings amongst them, and therefore it were great pity that the malice of some few for their particulars should blemish the credit of a man of his sufficiency for her majesty's service, and so well able for living to bear the countenance of a place of credit." With such an impression on the secretary's mind of the judge's worth, it is not surprising that at Sir John Jeffrey's death he should in another letter, dated October 9 in the same year, recommend "Mr. Manwood to be by your [Sir Christopher's] means furthered to the chief barony."[1]

It is evident from the first of these letters that some complaints had been already made against him; but the influence of Walsingham and Sir Christopher Hatton prevailed, and the judge was accordingly promoted to the chief seat in the Exchequer on November 17, 1578[2], when he also received the honour of knighthood. There is no doubt that he was a man of great activity and energy, both of which were shown in his exertions towards upholding Rochester Bridge, and regulating the estates which had been originally devoted to its repair. He built also a new House of Correction in the Westgate Street of Canterbury, and erected seven almshouses in St. Stephen's or Hackington, with an allowance of 4*l.* a year to each of the poor persons who occupied them, in money, bread, and fuel. All these works he had performed before he arrived at the post of chief baron; so that

[1] Nicolas's Sir C. Hatton, 67. 94.

[2] This is the date inscribed on Sir Roger's epitaph, written by himself. Dugdale does not introduce him till the following January.

it is not surprising that he should have been looked upon with favour by the court as a man peculiarly fitted for his position. But as a set-off to these good qualities, he was ambitious and arbitrary, and somewhat regardless of the means by which he obtained the objects on which he had set his heart.

On the death of Sir James Dyer in March, 1582, the chief baron was suspected of offering a large bribe to be appointed to the vacant office of chief justice of the Common Pleas; and this, being privately communicated by Recorder Fleetwood to Lord Burleigh, "was the means of keeping him from that cushion," and no doubt rendered the lord treasurer less inclined to doubt the charges that were subsequently brought against him. One of these was that on a barbarous murder being committed in the streets of Canterbury, the chief baron had expressed a solemn determination to pursue the murderer to justice; but instead of this he procured him a free pardon, after which the murderer paraded the streets in the chief baron's livery. It was imputed to the chief baron that this impunity was purchased by the payment of 240*l.* by the murderer's father, a rich brewer there. Another charge was his gross denial of justice to Thomas Digges, Esq., the holder of a lease from the queen, which was opposed by many intruders—a case which was so plain that he did not dare to give judgment against her Majesty, and yet, influenced by his hatred against Digges her tenant, he would not give judgment for his benefit. His enmity against Digges arose from a contest between them as to some other leases, which Digges was eventually obliged to accommodate, to his loss of above 1000*l.* Numerous other charges of oppression, of more or less weight, were made from time to time by various persons in Kent.

In the meantime, however, he was one of the commissioners for the trial of the Queen of Scots, but does not appear to have taken any active part in the proceedings. In

those against Secretary Davison, which were consequent upon her execution, he made himself more conspicuous. When his turn came to deliver his opinion, it is stated that "in the beginning of his tale he took so large a scope as many did judge he would be tedious, as he was indeed." After going through the whole history of Queen Mary, he came at last to the offence of the unfortunate secretary, which, making the same evasive distinction as the other commissioners, he termed "a misprision because you prevented the time in doing it before you were commanded; although the thing were lawful; for you did *justum*, but not *juste*." [1]

From various letters addressed by him to the lord treasurer preserved among the Harleian MSS., it is evident that frequent complaints were made against him which he was called upon to justify; and by one in May, 1591, it appears that he was under the queen's displeasure for taking money for a place in his gift, and that he brought forward as his warranty the example of other judges his contemporaries, who had pursued the same course. In addition to these public attacks, private suits had been commenced against him; and some of the complainants had succeeded in their causes. In a letter to Lord Burleigh on April 13, 1592, Manwood says, "I do with David hold myself contented; accounting the same to be God's visitation upon me, when such bad folks in their bad causes have heretofore prevailed against me." He speaks of the lord treasurer's bitterness against him in a recent interview, and assuming a high hand, demands that upon any future complaints of his adversaries, his goods may not be taken "without due course of justice in some of her majesty's public courts," meaning that he was not to be called upon to answer before the lords of the council. Burleigh, however, thought differently, probably considering that the conduct of a public officer was a fit subject of investiga-

[1] State Trials, i. 1167. 1235. The words are erroneously printed *fustum* and *fuste*,

tion. The chief baron was forthwith restricted to his own house in Great St. Bartholomew's, and within a month after his former letter, he humbled himself in another, and two days afterwards on May 14, he signed at Greenwich an abject submission to answer all complaints before their "honourable lordships."

What was the result of these proceedings does not appear, but his presence in court is not again mentioned by the reporters; and it is not improbable that the grief and anxiety he suffered from his disgrace hastened his decease, which occurred on the 14th of the following December.

Sir Edward Coke in noticing his death, describes him as "a reverend judge of great and excellent knowledge in the law, and accompanied with a ready invention and good elocution;" a character in which he seems purposely to avoid attributing to him any amiable qualities. Yet notwithstanding the blots in his escutcheon, it is clear (so curious is the mixture of which mortality is compounded), that he was pious and charitable according to the fashion of the times, and in many respects a kind-hearted man. The foundation during his life of a school for the young and a hospital for the aged speak strongly in his favour; and to these may be added his erection of the south aisle of the church of St. Stephen's, and his liberal augmentation of the vicarage of the parish by a grant of the great tithes, subject only to a fixed payment of 10*l.* a year to the Archdeacon of Canterbury. In his will also (a tedious and somewhat vain-glorious document), he made a further provision for his poor neighbours, but directed a sermon to be preached every year for seven years after his death in memory of him and his charities. From it we learn that he erected during his life the superb monument still remaining in the church, which is ornamented with his bust in his robes as chief baron, and with small figures of his two wives and of his children. The prepared inscriptions, which

only left a blank for the date of his death, besides recording his foundations and his legal honours, are confined to moral truths and religious reflections on man's nothingness. One line,

"Imo vix nomen, vox semiviva, sonat,"

speaks prophetically; for his possessions have been alienated from his family, and in the place where he dwelt his name is no longer remembered.

His first wife was Dorothy, the daughter of John Theobald, Esq., of Shepey in Kent, who had been twice a widow before he married her. She was first married to Dr. John Crooke, and next to Ralph Allen, alderman of London. She died in 1575. By the chief baron, besides two children who died young, she had two daughters—Margerie, the wife of Sir John Leveson; and Ann, the wife of Sir Percival Hart—and a son Peter. Sir Roger's second wife, by whom he had no issue, was Elizabeth, daughter of Mr. John Copinger of All-hallows near Rochester, and widow of John Wilkins of Stoke parsonage.

His son Peter was made a knight of the Bath at King James's coronation, and had many children; but the family failed in the male branch by the death of Sir John, the son of Sir Peter, in 1653 without issue, he having previously sold the estate of St. Stephen's to the Colepepers, by whom it was afterwards sold to the Hales.[1]

Fuller gives the chief baron credit for the "Treatise on the Forest Laws;" but Dugdale ascribes it to John Manwood of Lincoln's Inn, his brother. The authorship of the latter is confirmed by the inscription on a monument in Broomfield church, near Chelmsford, of that branch of the family, from which, through a daughter, the late chief justice of the Common Pleas Sir Nicholas Conyngham Tindall is descended.[2]

[1] Holinshed (1808), iv. 550. Hasted's Kent, ix. 46. 52. Boys's Hist. of Sandwich, 245—269., 476—484. 840.; with quotations from Strype's Annals.

[2] Fuller's Worthies, i. 500.; Dugdale's Orig. 60.; Morant's Essex, ii. 77.

MEADE, THOMAS.

JUST. C. P. 1577.

BOTH the judge and his father bore the same christian and surname; and the family to which they belonged was settled at Elmdon in Essex. Thomas Meade, or Mede, the son was born there, and being intended for the law was placed at the Middle Temple, where he arrived at the grade of reader in autumn, 1562, and was called upon to perform the duty a second time in Lent, 1567. In the Easter of the latter year he was raised to the degree of the coif, and from that time his name appears frequently in the Reports of Dyer, Plowden, and Coke. From a Patent Roll of various years, which Dugdale does not notice till 39 Eliz. 1596-7, and which he has evidently misread for 19 Eliz., it may be inferred that the date of his elevation to the judgeship of the Court of Common Pleas was on November 30, 1577; as the first fine levied before him was in Hilary Term, 1578.[1] He succeeded Richard Harpur, and having filled the seat about seven years and a half, he died on May 20 or 26, 1585, the last fine being in Trinity in that year. He was buried at Elmdon under a rich monument, and left by his wife Joane, the widow of —— Clamp of Huntingdon, three sons, Thomas, Robert, and Matthew, whose descendants long flourished at Wendon Lofts in Essex, a manor in the neighbouring parish purchased by the judge. The learned divine Joseph Mede was of the same family.[2]

MONSON, ROBERT.

JUST. C. P. 1572.

ROBERT MONSON was a younger son of William Monson, of an ancient knightly family, seated at South Carlton in

[1] Dugdale's Orig. 48. 217.; Chron. Series. [2] Morant's Essex, ii. 593.

Lincolnshire, by Elizabeth the daughter of Sir Robert Tirwhit of Kettelby in the same county. His elder brother John was the ancestor of several persons who are remarkable in history, and of two noble families which still grace the peerage. Among the former was the famous Admiral Sir William Monson, who flourished from the time of Queen Elizabeth till the civil wars in the reign of Charles I., and whose voyages, &c. have been repeatedly published. Another was Thomas Monson, master falconer of James I., who was charged with the murder of Sir Thomas Overbury, but released without trial. He was the author of "An Essay on Afflictions," and was one of the first to whom the title of baronet was granted. One of Sir William's [1] sons was created Viscount Castlemaine in Ireland by Charles I., but was degraded of his honours in the next reign for joining in rebellion against his patron. The fifth baronet was created Lord Monson of Burton in Lincolnshire on May 28, 1728; and the present lord is the sixth peer of that name. The second son of the first Lord Monson assumed the name of Watson, and on May 20, 1760, was created Baron Sondes of Lees Court in Kent, a title which is now borne by his grandson, the fourth baron.

Of Robert Monson's early studies, except that he was educated in Lincolnshire, the county of his birth, nothing is known, until he was entered at Lincoln's Inn on January 23, 1546. By that society he was called to the bar on February 2, 1550 [2], and being in due course raised to the bench, he was elected reader in autumn, 1565, and in Lent,

[1] The peerages say he was a son of Sir Thomas; but Lord Monson, who has collected and arranged the records of the family through every period of its history, and who has kindly and liberally permitted me to use his MSS., proves, from undoubted documents, that Lord Castlemaine was a son of Sir William. To his lordship's kindness I am indebted for many of the details in this sketch.

[2] Black Book, iv. 167. 250.

1572.[1] His reading at the first of these periods was on "The Act for the True Payment of Tithes;" the ten lectures of which it consisted being still preserved in the British Museum.[2]

Immediately after his elder brother's death, he entered the senate, sitting for the borough of Dunheved (Launceston) in the last parliament of Edward VI., 1553. He was returned for that or other Cornish boroughs in four out of the five parliaments of Queen Mary; and in Elizabeth's first parliament, his father's recent death having put him into possession of much property near Lincoln, he was elected member for that city, which he continued to represent in the two next parliaments, 1563-6, and 1571. He finished his parliamentary career as member for Totnes in 1572.[3] Taking an active part in the debates, he was chosen on various important committees. Among them was that appointed in 1566, to petition the queen in relation to the succession and her marriage, her answer to which is expressed with her usual equivocation. He made some strong remarks on the evasive nature of the reply, and, with Sir Robert Bell, "grated hard on her royal prerogative;" but the parliament, in spite of their remonstrances, could obtain no satisfaction.[4]

Monson's senatorial energy did not impede, but seems rather to have aided, his professional career. In 1562 he was nominated a commissioner of the North, and placed in the commission of the peace; and in 1569, he was elected recorder of Lincoln. In Michaelmas Term, 1574, he was created serjeant at law by special mandate, being the first barrister who was called to that degree for the purpose of being raised to the bench, to which he was elevated on October 31 of the same term as a judge of the Common

[1] Dugdale's Orig. 253. [2] Harl. MSS, 2565. p. 29.
[3] Willis's Parl. Not. iii. 18. 34. 53, 54. 65 73. 82. 90.
[4] Camden's Elizabeth: Parl. Hist. i. 709. 715. 779.

Pleas. He thus forms the precedent for the common practice of the present times.

His abilities as a judge are fully displayed in the Reports of Dyer, Plowden, and Coke; but he is never mentioned by them as an advocate. One of the most repulsive duties imposed upon him was the necessity of obeying the order directed to him and others in 1575 to burn John Peters and Henry Turwest.[1] In 1576 he appears in some manner to have displeased the queen[2]; and there is no doubt that three years after his judicial life came to an abrupt termination. John Stubbs of Lincoln's Inn having published a book called "The Gulph wherein England will be swallowed by the French Marriage," in which he slandered the Duke of Anjou in not very civil terms, was sentenced under a statute of Queen Mary to have his right hand cut off; which he suffered on November 3, 1579.[3] Doubts were felt by many lawyers as to the force of that statute; and Dalton, who expressed too strongly that it was only temporary and died with Queen Mary, was punished for his indiscretion by being sent to the Tower. Camden adds that Judge Monson, who seems to have uttered the same sentiments, "was so sharply reprehended, that he resigned his place."[4]

That this "reprehension" extended to imprisonment, appears by a letter from Mr. Secretary Wilson to Lord Burleigh, dated December 3, 1579. In it he says, "Mr. Monson sendeth the warden of the Fleet to the courte to know by what warrant he is committed to close prison. I answered the warden that Mr. Monson doth busie himself to[o much] to see the warrant; for it myght suffice him that the counsell had given order by word of mouthe, and neither needeth he to shew his warrant to any person, but

[1] Rymer, Fœd. xv. 740. [2] Cal. Stat. Papers (Lemon), 530.

[3] Nugæ Antiquæ, ed. 1792, iii. 179.

[4] Camden in Kennett, ii. 487., who erroneously places it in 1581. The original words are, "ita asperis verbis excogitatus ut loco cesserit."

only to have it and keep it himself for his own indemnitie."[1] There is a letter also from the Archbishop of York to the Earl of Shrewsbury, dated the 5th of the following March, containing this passage: "Mr. Monson hath gotten leave to be at his own house in Lincolnshire, but not restored to his place."[2]

In opposition to this undoubted evidence of his imprisonment, there is the apparent contradictory proof given by Dugdale, of his name being inserted as a judge of the Common Pleas in fines levied in Hilary Term, 1579–80[3], and, on examination of the Records, in some of those also levied in the next Easter Term, which did not begin till April 20, above six weeks after the date of the archbishop's letter. During the remainder of that term and for the rest of the year, the only judges named are Dyer, Meade, and Wyndham.

The probable explanation of this seeming discrepancy is, that though the judge was imprisoned, he was not then deprived, and his name was, according to the customary form, inserted in the fines, as being still a member of the court; and that, on his release from incarceration, though he was "not," as the archbishop says, "restored to his place," yet he was not actually dismissed from it, or, according to Camden, did not "resign" it, till after Easter Term had commenced. The vacancy, whether occasioned by a forcible or voluntary surrender, was not supplied till February 13 in the next year, when William Peryam was appointed his successor.

He survived these events between two and three years, his death occurring on September 24, 1583. He was buried in Lincoln Cathedral, where, upon a brass plate, this curious inscription was engraved: —

"Quem tegit hoc marmor si forte requiris, Amice,
Lunam cum Phœbo jungite, nomen habes.

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[1] Harl. MSS. 6992. Art. 59.

[2] Lodge's Illust. first ed. i. 223.

[3] Dugdale's Orig. 48.

Luce Patrum clarus, proprio sed lumine major;
De gemina merito nomina luce capit.
Largus, doctus, amans, aluit, coluit, recreavit
Musas, jus, vinctos, sumptibus, arte, domo.
Tempora læta Deus, post tempora nubila misit;
Læta dedit sancte, nubila ferre pie,
Et tulit, et vicit; superat sua lumina virtus;
Fulget apud superos, stella beata facit."

By his wife Elizabeth, daughter and heir of John Dyon, Esq., of Tathwere, who survived him, he left no issue.[1]

MUSCHAMPE, CHRISTOPHER.

B. E. 1577.

CHRISTOPHER MUSCHAMPE was the third son of William Muschampe, of Camberwell, Surrey, by his second wife, Elizabeth, daughter of Richard Sandes and relict of Richard Mimes. He is another of the barons of the Exchequer of whom little is told, except that his patent of appointment is dated November 8, 1577, and that he was buried at Carshalton in Surrey on June 4, 1579; thus making his tenure of office only about nineteen months. By his wife Dennys he had several sons, one of whom dying in 1660 left 200*l.* to that parish.[2]

OWEN, THOMAS.

JUST. C. P. 1594.

THE birth-place of Thomas Owen was Condover in Shropshire, the seat of his father, Richard Owen, a merchant of the neighbouring town of Shrewsbury; who, according to the pedigrees of the family, could trace his descent from the ancient kings of Wales. His mother was Mary, one of the daughters and co-heirs of Thomas Ottley, Esq., of that town. He received his education at the university of Oxford, but

[1] Collins's Peerage, vii. 229.; Peck's Desid. Cur. B. viii. 14.
[2] Rot. Pat. 20 Eliz. p. 10.; Manning and Bray's Surrey, iii. 414.

Wood is uncertain whether at Broadgate's Hall (now Pembroke College) or Christ Church. After taking his degree, he removed to Lincoln's Inn on April 18, 1562, where, pursuing his legal studies, he was called to the bar on June 4, 1570, and became reader in Lent, 1583. Six years afterwards he was raised to the degree of the coif, and on January 25, 1593, was made queen's serjeant. On January 21, 1594, he was promoted to the bench as a judge of the Common Pleas, where he sat till his death on December 21, 1598.[1] Wood describes him as a learned man, and a great lover of those who professed learning; and the "Reports" which he collected in the King's Bench and Common Pleas, and which were printed with some additional cases in 1650, manifest his legal erudition and his industry both before and after he was raised to the bench. He was buried in Westminster abbey under a noble monument, the inscription on which is preserved in Dart.

His first wife was Sarah, daughter and heir of Humphrey Baskerville, by whom he had five sons and five daughters. His second wife was Alice, the widow of William Elkins, mercer and alderman of London. She survived him, and erected and endowed a hospital at Islington for ten poor women, and a school for thirty boys, in grateful remembrance of her escape from death in her childhood, when an arrow, shot at random while she was sporting in the fields, pierced the hat that she wore. Stow enumerates various other of her charitable works.[2]

The judge's son was Sir Roger Owen, who distinguished himself among the literary men of the day, and was an active member of parliament, in which he represented successively the town of Shrewsbury and the county of Salop. Both he and several of his successors filled the office of sheriff, and

[1] Black Book, iv. 378. v. 113.; Dugdale's Orig. 48. 253.; Chron. Ser.
[2] Stow's London, 110.

the estate of Condover is still possessed by the representative of a female descendant of the family, who has adopted the name of Owen.[1]

PERYAM, WILLIAM.

Just. C. P. 1581. Ch. B. E. 1593.

See under the Reign of James I.

POPHAM, JOHN.

Ch. Q. B. 1592.

See under the Reign of James I.

PUCKERING, JOHN.

Lord Keeper, 1592.

Sir John Puckering was the second son of William Puckering, a gentleman residing at Flamborough in the county of York. He was born about the year 1544; and entering at Lincoln's Inn on April 10, 1559, he was called to the bar on January 15, 1567.[2] He became one of the governors in 1575, and was elected reader in Lent, 1577 [3], at the age of thirty-three; a proof that he had made himself remarkable for his learning at a very early period. He was raised to the degree of the coif in 1580, and sat as a judge on the circuit in that year.[4] Dugdale does not introduce him as queen's serjeant till July 3, 1588; but it is evident that he received his promotion two years before, since he conducted the trial of Abington and others for high treason in September, 1586, and also took part in the proceedings against Secretary Davison in March, 1587; on both of which occasions he is described with that title.[5]

In the parliament that met on November 23, 1585,

[1] Wood's Athen. i. 672.; Dart's Westminster Abbey, ii. 83.; Burke.
[2] Black Book, iv. 339., v. 61.
[3] Dugdale's Orig. 253. 261.
[4] Letters of Eminent Men (Camden Soc.), 43.
[5] State Trials, i. 1143. 1233.

Puckering, having been returned for Bedford, was elected speaker. During the session he had to reprimand Dr. William Parry (shortly afterwards executed for high treason) for the intemperate speech he uttered on the passing of the bill against Jesuits, and at the end of it to address the queen on presenting the subsidy granted, — duties which he performed with so much discretion and propriety, that he was re-elected speaker of the new parliament opened on October 15, 1586, by which the fate of the Scottish queen was decided.

In a few days after the execution of the unfortunate Mary, the speaker was again called upon to check the rising demand for greater freedom of debate. The immediate question was quickly decided by the committal of Mr. Wentworth and four others to the Tower[1]; but the spirit was not subdued. The attempt to control it was afterwards attended with serious consequences; and its ultimate recognition, though leading occasionally to fiery discussions, has been happily found to be practically conducive to the real benefit of the realm.

In the following parliament, which sat from February 4 to March 29, 1589, Puckering was not called to the chair, probably because his services were required on the state trials which were then proceeding. In the arraignment of Sir Richard Knightley and others in the Star Chamber on February 13, he enlarged on the evil tendency of the different libels — "Have you any Work for the Cooper?" and others — with the publication of which they were charged. On the 18th of April he again appeared as the leader for the crown on the trial of Philip, Earl of Arundel, for high treason, conducting it without any unnecessary harshness. He was also joined in the commission with Judge Clarke, in the assizes at Croydon in July, 1590, when John Udall was tried for publishing a libel against the queen. On the verdict of guilty being returned, both the judges urged Udall

[1] Parl. Hist. i. 822—852.

to submit himself to the queen's mercy; and again in the following February, when he was called up for judgment, Serjeant Puckering ineffectually repeated these endeavours; but Udall still persisting in his defence of "the cause," had sentence pronounced against him. He was reprieved, but, though he signed his submission, was refused his pardon, and died in prison at the end of the following year.[1]

The last trial of which he had the conduct as queen's serjeant was that of Sir John Perrot, lord-deputy of Ireland; after which, between the verdict and sentence, the great Seal was placed in the hands of the serjeant as lord keeper.[2] This elevation took place on May 28, 1592, the honour of knighthood being conferred upon him at the same time.[3] He took his seat in the Court of Chancery on June 4, and during the four years that he sat there he preserved a "good repute for his own carriage, but unhappy for that of his servants; who, for disposing of his livings corruptly, left themselves an ill name in the church, and him but a dubious one in the state."[4]

He presided over only one parliament as lord keeper, and in his opening speech, after declaring the queen's will that there should be no new statutes passed, he added, "so many there be, that rather than to burthen the subjects with more, to their grievance, it were fitting an abridgment were made of those there are already."[5] If subsequent legislators had acted on this principle, the cry for a digested code would not now be so loud, nor its execution so difficult.

During Sir John Puckering's keepership his town residence was at first Russell House, near Ivy Bridge, and afterwards at York House, both in the Strand; and his country house was in the village of Kew, where he entertained the queen

[1] State Trials, i. 1250—1306.
[2] Ibid. 1315—1327.
[3] Rot. Claus. 34 Eliz. p. 11.
[4] Lloyd's State Worthies, 609.
[5] Parl. Hist. i. 859.

on December 13, 1595, at an enormous expense in presents and provisions. He died on April 30, 1596, and was buried in Westminster abbey. By his wife Anne, daughter of George Chowne, Esq., of Kent, he left several children. His son and heir, Thomas, was created a baronet in 1612, but died without surviving issue in 1636. One of the lord keeper's daughters having married Adam Newton, tutor to King James's son Prince Henry, also created a baronet, her son Sir Henry became heir to the Puckering estates on the death of his uncle, and assumed the name; but that title also expired in 1700, by failure of issue.[1]

PYMME, THOMAS.

B. E. 1562.

THOMAS PYMME, whom Dugdale calls in one place Pyne, was appointed a baron of the Exchequer on September 30, 1562; but nothing whatever is recorded of him, except that he died a short time before his successor James Lord received his patent on November 12, 1566.[2]

RASTALL, WILLIAM.

JUST. Q. B. 1558.

See under the Reign of Mary.

THE father of this judge was John Rastall, who was educated at Oxford, and established himself in London as a printer; an occupation which, in those times, was deemed more as a profession than a trade, and was pursued by men of learning and education. That John Rastall deserved this character, is manifest from various works, some connected with the law, which he wrote and which were published at his own press. His marriage with Elizabeth, the daughter of Sir John More the judge, and the sister of Sir Thomas More

[1] Norden (Camden Soc.) Introd.; Manning and Bray's Surrey, i. 416. Hasted's Kent, i. 423.; Wotton's Baronet. iv. 270, 271.

[2] Rot. Pat. 4 Eliz. p. 2.; 8 Eliz.

the chancellor, shows the grade in which he moved. He was a most zealous Catholic; and his known hatred of the innovations of Henry VIII. was not diminished by witnessing the sacrifice of his brother-in-law as one of the victims.[1] He died in 1536, leaving two sons, the elder of whom, William, afterwards the judge, was born in London in 1508.

He was sent to the university of Oxford, which he left without taking a degree. The increasing infirmities of his father probably drew him from his studies, and induced him to enter into the printing business, for books with his imprimatur appear from the year 1531. How long he continued to exercise this calling, or whether he did so after his becoming a student of Lincoln's Inn, where he was admitted on September 12, 1532, is not known; but it may be presumed that he had renewed his legal course before the end of the reign of Henry VIII., inasmuch as he was appointed reader in autumn, 1547[2], within a few months after Edward VI. came to the crown. Feeling that one of his religion was not then safe in England, he retired to Louvain, where he remained during Edward's life, and where he buried his wife Winifred, the daughter of the learned Dr. John Clement, in the last month of that reign.

On the restoration of the Catholic worship, Rastall returned to England and resumed his professional practice. In October, 1555, he was raised to the degree of serjeant at law, and in three years was promoted to the judicial seat, receiving his patent as a judge of the Queen's Bench on October 27, 1558, not a month before Queen Mary's death. All the judges were re-appointed the day after Elizabeth's accession, without regard to their religious persuasion; and three months after, Mr. Justice Rastall was appointed one of the justices of Assize in Durham during the vacancy of that see.[3] He

[1] Wood's Athen. i. 100.
[2] Dugdale's Orig. 252.
[3] Cal. State Papers (Lemon), 122.

continued on the bench at Westminster, at least as late as Michaelmas, 1562, his name appearing in that term in Plowden's Reports; but his resignation occurred shortly after, as the date of his successor Mr. Justice Southcote's patent is February 10, 1563.

He spent the remainder of his life in Louvain, where he died on August 27, 1565, and was buried there in the church of St. Peter. There is no certain account of his children, but his family was not extinct a few years ago.

He was the author of several works; but some confusion has arisen in distinguishing them from those written by his father. Among his undoubted compositions, are "The Chartuary," "A Collection of Entries of Declarations, &c.," "Les Termes de la Ley," and a "Collection of Statutes to 4 & 5 Philip and Mary," which is spoken highly of by Sir Edward Coke, and may be considered the groundwork of the present regular edition.

The John Rastall who entered into the controversy with Powell is not known to be of the same family.[1]

RODES, FRANCIS.

JUST. C. P. 1585.

GERARD DE RODES, of Horncastle in Lincolnshire, a powerful baron in the reign of Henry II. and his three successors, was the ancestor of this family, which eventually settled in Derbyshire. Francis Rodes was the son of John Rodes, Esq., of Staveley Woodthorpe, an estate in that county which had been acquired by one of his progenitors in marriage, and of Attelina, daughter of Thomas Hewitt of Walles in Yorkshire. Being admitted a member of Gray's Inn in 1549, and called to the bar in 1552, he arrived at the dignity of reader in Lent, 1566, and of duplex reader in Lent, 1576. In Hilary Term, 1573, he was advanced to the degree of the coif, and on August 21, 1582, was made queen's serjeant. His

[1] Wood's Athen. i. 343.; Chalmers's Biog. Dict.; Watt's Biblio. Brit.

elevation to the bench as a judge of the Common Pleas is dated June 29, 1585, and the last fine which was acknowledged before him was in November, 1588.[1] In the following year he died at Staveley Woodthorpe, leaving issue by both of his marriages. His first wife was Elizabeth, daughter of Brian Sandford, Esq., of Thorpe Salvine in Yorkshire; and his second was Mary, eldest daughter of Francis Charlton, Esq., of Appley in Shropshire. One of this lady's sisters married John, fourth Earl of Rutland, who by his will appointed "his loving brother," the judge, one of his executors.[2]

His eldest son, John, who was knighted and served as sheriff of Derbyshire, was the father of Francis, whom Charles I. raised to the baronetcy in 1641. This title continued through four generations, but became extinct for want of male issue in 1743.[3] Barlborough Hall, in Derbyshire, however, which was erected by the judge, is still occupied, and the estates possessed, by the representative of one of his female descendants.

SAVILE, JOHN.

B. E. 1598.

See under the Reign of James I.

SAUNDERS, EDWARD.

Ch. Q. B. 1558. Ch. B. E. 1559.

See under the Reign of Mary.

Sir Edward Saunders was one of the sons of Thomas Saunders, Esq., of Harrington in Northamptonshire, by Margaret, daughter of Richard Cave, of Stanford in that county.[4] He studied the law at the Middle Temple, of which society he was elected reader in Lent, 1525; an office which he again filled in Lent, 1533. His call to the degree

[1] Dugdale's Orig. 48. 294.; Chron. Ser. ; Gray's Inn Books.
[2] Collins's Peerage, i. 473.
[3] Wotton's Baronet. ii. 255.
[4] Ibid. 168.

of the coif was in Trinity Term, 1540; and he was made one of King Edward's serjeants on February 11, 1547, within a fortnight after the accession.[1] From that time the Reports of Dyer and Plowden show that he was in full practice; and before the end of the reign he had been appointed recorder of Coventry. At the king's death in July, 1553, he was in that city, and by his instigation, the mayor refused to obey the orders sent by the Duke of Northumberland on the part of Lady Jane Grey, and immediately proclaimed Queen Mary.[2]

This prompt service was not overlooked; for on the 4th of the next October he was raised to the bench as a judge of the Common Pleas, and was knighted by King Philip in the following January.[3] Among the trials on which he sat was that of Sir Nicholas Throckmorton; but he was little more than a silent commissioner, making only one slight remark.[4] These circumstances raise a doubt as to his being, as Wotton says, the brother of Laurence Saunders, who was burnt for heresy at Coventry, in May, 1555, the more especially as on the death of Sir William Portman Sir Edward was promoted to the chief justiceship of the Queen's Bench on May 8, 1557. Although a Roman Catholic, he was re-appointed by Queen Elizabeth immediately after Mary's death; but the day before the next Hilary Term he was superseded by Sir Robert Catlin, and removed into the Court of Exchequer as chief baron; a change arising probably from the feeling that the former place was too important to be held by one of his religious persuasion, but that his services as a judge were too valuable to be altogether dispensed with. He was present at the trial of the Duke of Norfolk in 1571, but does not appear to have uttered a word. In the business of his court, however, this charge cannot be made against him; for his learning and his industry are amply exhibited

[1] Dugdale's Orig. 216.; Chron. Ser.
[2] Chron. of Qu. Jane, &c., 113.
[3] Machyn's Diary, 342.
[4] State Trials, i. 894. 957.

by both Dyer and Plowden. The day of his death is uncertain; but his successor, Sir Robert Bell, was appointed on January 24, 1577.

He had a house in Whitefriars, abutting on the garden of Serjeants' Inn, Fleet Street, which in 1614 was sold by his representatives to that society.

SAXBY, or SAXILBY, EDWARD.

B. E. 1558.

See under the Reigns of Edward VI. and Mary.

THE same deficiency of authentic information which has been so frequently noticed in reference to the barons of the Exchequer of the old *régime*, occurs with regard to Edward Saxby, or Saxilby, his name being given both ways. The patent placing him on that bench, on November 28, 1549, 3 Edward VI., merely describes him as "late Clerk in the Remembrancer's Office." His re-appointment at the commencement of the reigns of Queens Mary and Elizabeth is recorded[1]; and on the 30th of September, 1562, the date of the patent of Thomas Pymme, his successor, he is mentioned as lately deceased. No other event of his private life is known than his marriage with Elizabeth, daughter of —— Fisher, of Longworth in Oxfordshire, and relict of William Woodcliffe, Esq., citizen and mercer of London, lord of the manor of Wormley, in Hertfordshire.[2]

SHUTE, ROBERT.

B. E. 1579. JUST. Q. B. 1588.

ACCORDING to the epitaph of the first Viscount Barrington, in Shrivenham church in Berkshire, Robert Shute was of Hockington in Cambridgeshire, in which county and in Leicestershire his family was of some standing; but he was

[1] Rot. Pat. 3 Edw. VI., 1 Mary, 1 and 4 Eliz.

[2] Gent. Mag. Nov. 1839, p. 488.

born in Yorkshire, as appears by a license to him to hold assizes in that county, notwithstanding his birth.[1]

Having passed through his legal studies, first at Barnard's Inn, and then at Gray's Inn, to the latter of which he was admitted in 1550, he was called to the bar in 1552, and arrived at the honourable post of reader in Lent, 1568. He was again complimented with the same office in autumn, 1577, on his being summoned to take the degree of the coif, which he accordingly assumed in the following Michaelmas Term. His name is not mentioned as an advocate by any of the reporters; but he must have acquired a considerable reputation in the law, as he is the first serjeant who was raised to the bench of the Exchequer as a puisne baron, and the terms of his patent show that a new system was then introduced into that court. Up to this time the puisne barons had been principally selected from the other officers of the department; they were not looked upon as lawyers, and did not go the circuits; various instances have been mentioned of their still continuing in their original inn of Court after their becoming barons; and there is no doubt that till this period they held an inferior grade to the judges of the two other benches. But cases connected with the revenue and crown debts becoming more numerous and intricate, it was deemed expedient that the court should be gradually filled with able lawyers; and accordingly, in Serjeant Shute's patent, dated June 1, 1579, constituting him second baron, it is for the first time ordered that "he shall be reputed, and be of the same order, rank, estimation, dignity and pre-eminence, to all intents and purposes, as any puisne judge of either of the two other courts." After nearly nine years' occupation of this seat, during which he acted occasionally as a judge of Assize, he was removed to the Queen's Bench on February 8, 1586, where he remained

[1] Rot. Pat. 21 Eliz. p. 7.

till his death, which occurred in 1590, his successor, Edward Fenner, being appointed in May of that year.[1]

He left a son, Francis, who was settled at Upton in Leicestershire, and whose grandson, John Shute, having had a large estate bequeathed to him by Francis Barrington, Esq., of Tofts in Essex, assumed that gentleman's name, and was raised in 1720 to the Irish peerage as Baron and Viscount Barrington, titles which are now held by his great-grandson.[2]

SOTHERTON, JOHN.

B. E. 1579.

See under the Reign of James I.

SOUTHCOTE, JOHN.

Just. Q. B. 1563.

THE Southcotes of Southcote were an old Devonshire family. John Southcote, the judge, was the eldest son of William, a younger son of Nicholas Southcote, of Chudleigh in that county. He was born in the year 1511, and, being designed for the bar, was sent to the Middle Temple, of which society he rose to be reader in autumn, 1556, and was again complimented with the same duty in 1559, on the occasion of his being called upon to take the degree of the coif, which he assumed on April 19 in that year. Previously to this, however, he is mentioned in Plowden as under-sheriff, and one of the judges of the sheriff's court in London, in 1553; and his arguments after he became serjeant are reported both by that author and Dyer. On the resignation of William Rastall, Southcote was nominated to fill his place as a judge of the Queen's Bench on February 10, 1563. He performed his judicial duties with high reputation for the space of twenty-one years, when he retired, and his place was supplied by

[1] Savile's Reports, 59.; Dugdale's Orig. 294.; Chron. Series.

[2] Biog. Peerage, iv. 224.; Nichols's Lit. Anecd. vi. 444.

Baron Clench on May 29, 1584. Within a year afterwards, on April 18, 1585, he died at the age of seventy-four, and was buried under a stately monument in the parish church of Witham in Essex, in which county he had purchased the manors of Bacons or Abbotts, and Petworths.

By his wife Elizabeth, daughter and heir of William Robins of London, he had thirteen children, of whom only three survived. His son John succeeded him; and one of his descendants, then of Blighborough in Lincolnshire, was raised in January, 1662, to a baronetcy, which became extinct on the death of his son without issue in 1691.[1]

WALMSLEY, THOMAS.

JUST. C. P. 1589.

See under the Reign of James I.

WALSH, JOHN.

JUST. C. P. 1563.

JOHN WALSH, called sometimes Welsh, was the only son of another John Walsh, of Cathanger, in the parish of Fivehead, Somersetshire, by Jane, daughter of Sir Edward Broke. His father, in the reign of Henry VII., retired to the abbey of Muchelney, from whence he was expelled for a rape on Mary Clause, whom he afterwards married, and had another family.

John, the son, became a member of the Middle Temple, and reader there in Lent, 1555, having been previously mentioned as a barrister in Plowden's Reports. He was one of those summoned in the last month of Mary's reign to take the degree of the coif in the following Easter, when by a new writ from Queen Elizabeth they were admitted on

[1] Dugdale's Orig. 217.; Chron. Series; Machyn's Diary, 373.; Prince's Worthies of Devon; Morant's Essex, ii. 110.; Grandeur of the Law, (1684), 85.

April 19, 1559. His next step was to the bench of the Common Pleas, of which he was constituted a judge on February 10, 1563, and had fines acknowledged before him as late as February, 1572.[1] In that year he died, and was buried in the parish church of Fivehead. He rebuilt the mansion at Cathanger in the year he became serjeant; and his name with that date is inscribed on the porch of that venerable edifice.

He left an only daughter, who married Sir Edward Seymour, the eldest son of the first Duke of Somerset by his first wife, who was excluded from the title till the failure of the issue of the duke's second wife. This failure occurred in 1740, when a descendant of Sir Edward's succeeded to the dukedom, which now remains in his, the elder family.[2]

WARBURTON, PETER.

Just. C. P. 1600.

See under the Reign of James I.

WESTON, RICHARD.

Just. C. P. 1559.

The genealogy of this family is traced as high as Rainaldus de Balliole, in Normandy, Lord of Weston, Berton, Broton, and Newton, in Staffordshire, in the reign of the Conqueror. Richard Weston was the second son of John Weston, of Lichfield, who was fourth son of John Weston, of Rugeley, by Cecilia, sister of Ralph Nevil, Earl of Westmoreland. This grandfather is elsewhere described as William Weston, of Prested Hall in Essex, and of London, mercer. The law being fixed upon as Richard's profession, he was entered of the Middle Temple, where he arrived at the rank of reader in autumn, 1554. His name appears occasionally in Dyer's

[1] Dugdale's Orig. 48. 217.; Chron. Ser. [2] Collinson's Somerset, i. 42.

Reports as an advocate during the reign of Queen Mary, who on November 20, 1557, made him her solicitor-general in the place of Sir William Cordell. From this office Queen Elizabeth called him to the degree of the coif by a special patent on January 24, 1559, and appointed him one of her serjeants on the 13th of the next month. This was followed by his promotion to the bench on October 16, as a judge of the Common Pleas, where he sat for nearly thirteen years[1], dying on July 6, 1572, in possession of Sprenes, in Roxwell, and other considerable property in Essex.

His brother, Dr. Robert Weston, Dean of Wells, was Dean of the Arches, and was raised in 1567 to the chancellorship of Ireland, which he enjoyed till his death in May, 1573.[2]

The judge was thrice married. His first wife was Wiburga, daughter of Thomas Catesby, of Seaton in Northamptonshire, and widow of Richard Jenour, of Dunmow in Essex; his second was Margaret, the daughter of Eustace Burneby; and his third was Elizabeth, daughter of Thomas Lovel, of Astwell in Northamptonshire, the latter having had two previous husbands (as he had had two previous wives), namely, Anthony Cave and John Newdigate. His son Hieronymus, by his first wife, married Mary the daughter of his third wife by her first husband Anthony Cave, and was the father of Sir Richard Weston, who, after being employed in various embassies, was made chancellor of the Exchequer by James I., and was created by Charles I. Lord Weston of Neyland in 1628, from which he was advanced to the Earldom of Portland in 1633, filling the office of lord high treasurer till his death. These titles expired in 1688 by the death of the fourth earl without issue.[3]

[1] Dugdale's Orig. 48. 215.; Chron. Ser.

[2] Cat. of Engl. Civilians, 42.; Smyth's Law Officers of Ireland, 23.

[3] Erdeswick's Staffordsh. by Harwood, 136.; Morant's Essex, i. 136.; Nichols's Leicestersh. 370.; Collins's Peerage, ix. 401.

WHIDDON, JOHN.

Just. Q. B. 1558.

See under the Reign of Mary.

THE family of Judge Whiddon was long established at Chagford in Devonshire, and he was the eldest son of John Whiddon of that place by a daughter of —— Rugg. His school of law was the Inner Temple, where he was first elected reader in autumn 1528, but not reading on that occasion his appointment was renewed for the following Lent; and he again held the office in Lent 1536, and filled that of treasurer three years afterwards. He was nominated as a serjeant at the close of Henry VIII.'s reign, but the death of that monarch occurring before he was instituted, the solemnity took place under a new writ, in the first week after that event. His arguments in court during Edward's reign are reported by Plowden. On Mary's succession to the throne, Whiddon was one of the first judges she appointed, his patent as a judge of the Queen's Bench being dated October 4, 1553, and he received the honour of knighthood on January 27, 1555. He is noticed as introducing the new practice of riding to Westminster Hall on a horse or gelding, instead of a mule as was the previous custom.[1] In April 1557, when Thomas Stafford, having surprised and taken Scarborough Castle, was defeated by the Earl of Westmoreland, Judge Whiddon was sent down to try the prisoners, and is said to have been clothed with the commission of a general, giving him authority to raise forces to quell any insurrection that might happen: and he is even stated to have sat on the bench in armour on that occasion, from the apprehensions then entertained of a rising.

His patent was renewed on Queen Elizabeth's accession,

[1] Dugdale's Orig. 38. 118. 164. 170.; Chron. Series; Machyn's Diary, 342

and during nearly eighteen years of her reign he continued to exercise his judicial duties. His death occurred on January 27, 1575, at Chagford, where he was buried. He married twice. By his first wife, Anne, daughter of Sir William Hollis, he had one daughter: by his second, Elizabeth, daughter and heir of William Shilston, he had a large family of six sons and seven daughters, whose posterity long flourished in his native place.[1]

WRAY, CHRISTOPHER.

Just. Q. B. 1572. Cir. Q. B. 1574.

VARIOUS are the accounts of the lineage of Sir Christopher Wray. Fuller states that his ancestors came out of Cornwall[2], and Wotton that they were seated in the Bishoprick of Durham[3], but both agree that he was born at Bedale in Yorkshire, and in this they are confirmed by Plowden.[4] As to his parents Fuller makes no mention of them, but Wotton commences his pedigree five generations before him, with John Wray of Richmond in Yorkshire, and makes his father's name William; while Lord Campbell gives two accounts from the Herald's College, one of which states that he was the son of Thomas Wray of Richmondshire, and the other of Sir Christopher Wray, vicar of Hornby, illegitimately begotten from a wench in a belfry, and brought up to the study of the law by a brother of his reputed father, who was a servant of Lord Conyers of Hornby. Dr. Henry Sampson, a physician in the next century, who collected facts with a view to publication, tells yet another story. He says that Sir Christopher's father came to be a miller in Lincolnshire, and bred up his son as well as the country school and writing could help him; that the boy being angry with his father, for giving him only eightpence at a breaking up instead

[1] Prince's Worthies of Devon.
[2] Fuller's Worthies, ii. 506.
[3] Wotton's Baronet. i. 242.
[4] Plowden's Reports, 342.

of a shilling, ran away, and with a copy of verses begged at the door of a justice of the peace, who took him in and afterwards made him his clerk, and then engaged him to some lawyer with whom he studied his profession; and the doctor proceeds to describe the interesting interview when the judge after many years discovered himself to his astonished parents.[1] It would be absurd to judge which of these tales is the most probable one: enough is shown from all of them to indicate the humble state of the family, till the chief justice by his honourable exertions raised it from obscurity.

The unquestioned part of the story is that he completed his education at Magdalen College, Cambridge, then recently founded, and that he removed thence to Lincoln's Inn, where he was admitted a member on February 6, 1545, and was called to the bar on February 2, 1550.[2] More than twelve years elapsed before he attained the rank of reader, to which he was appointed in autumn 1562, but he did not read till the following Lent. He was again called upon to perform this duty in Lent 1567, when, according to Plowden, he dwelt at Glentworth in Lincolnshire, as a compliment then frequently paid when a member was called serjeant, to which degree he was admitted in Easter Term, and was further honoured by being appointed Queen's Serjeant on June 18.[3] His name occurs occasionally as an advocate in Plowden's reports both before and after this period; and that he had attained some eminence in his profession is evidenced by his being returned as member for Boroughbridge in all the parliaments during Mary's reign, as well as in those of Elizabeth up to the thirteenth year, when he was chosen speaker of that which assembled on April 2, 1571. His speech to the queen on the occasion is remarkable for nothing but its length; its delivery is said to have occupied two hours. This parlia-

[1] Gent. Mag. July, 1851, p. 12. [2] B. B. Linc. Inn. iv. 157, 222
[3] Dugdale's Orig. 253.; Chron. Ser

ment was dissolved in less than two months, and was the last in which Wray had a seat.[1]

On May 14, 1572[2], Serjeant Wray was promoted to the bench; and, though stated by Dugdale to have been then made a judge of the Common Pleas, there seems better reason for believing that he took his seat in the Queen's Bench. In the first place there were only two vacancies in that year in the Common Pleas, and these were supplied by Manwood and Monson. Next, although a puisne judge for two years and a half, no fines were levied before him as a judge of the Common Pleas; again, when he became chief justice, a new judge was appointed in the Queen's Bench, and not in the Common Pleas; and, lastly, in a special commission, preserved in the *Baga de Secretis*, he is distinctly called "another justice of the Queen's Bench." It is curious that this special commission, which was for the trial of Hall and Rolston for high treason in conspiring to deprive Queen Elizabeth and raise Mary Queen of Scots to the throne, was dated on the same day as his patent.[3]

He was raised to the head of the Queen's Bench on November 8, 1574, on the death of chief justice Catlin, and he presided there, being then knighted, above sixteen years, with a character which Sir Edward Coke sums up by describing him as "a most reverend judge, of profound and judicial knowledge, accompanied with a ready and singular capacity, grave and sensible elocution, and continual and admirable patience."[4] A letter of his to the bishop of Chester, relative to an application from the prelate and the Earl of Derby to dissolve a prohibition to the ecclesiastical commissioners

[1] Parl. Hist. i. 728. 772.

[2] Lord Campbell is under a mistake in supposing that Wray was at this time Speaker of the House of Commons. The parliament in which he held that position was dissolved on May 29, 1571, and the new one was called in May 8, 1572, when Robert Bell, Esq., afterwards chief baron of the Exchequer, was elected Speaker.

[3] App. to 4 Report Pub. Rec., 270.

[4] 3 Coke's Reports, 26.

granted by the court of Queen's Bench, affords a proof of the manliness and independence of his character.[1]

His judgments in the Queen's Bench are reported by Dyer, Plowden, and Coke; and the "State Trials" contain some over which he presided. Whatever may be thought of the criminal judicature of the period, it must be acknowledged that chief justice Wray not only abstained from all intemperance and partiality, but exhibited great calmness and forbearance. From his conduct on these and other occasions, there seems no more ground for believing, as Lord Campbell suggests, that these virtues were dexterously assumed by him for the purpose of obtaining a conviction of the parties arraigned, than for attributing cunning malice to the judges of the present day in proportion to their mild and patient demeanour in court. He was present during the proceedings against the Scottish queen, but does not appear to have taken any part in them; and in the farcical arraignment of Secretary Davison in the Star Chamber for sending down the warrant for Mary's execution, the chief justice (in consequence of the illness of Lord Chancellor Bromley) presided in the temporary character of lord Privy Seal. It is ludicrous to note how on this latter occasion all the commissioners in turn began by praising the secretary's intent, but finished by punishing him for his act; a chorus which was wound up by the chief justice's well-known distinction, "Surely I think you meant well, and it was *bonum*, but not *bene*."[1]

He performed his duties so much to Queen Elizabeth's satisfaction, that she granted to him the profits of the coinage till he had built his noble house at Glentworth; and he retained her favour till his death, which occurred on May 7, 1592. He was buried in the chancel of Glentworth church under a magnificent monument, on which he is represented in his robes.

[1] Peck's Desid. Cur., B. iii. 35. [2] State Trials, i. 1049—1239

He was as exemplary in his private as in his judicial life; and he appears to have been fond of putting his rules of conduct into pithy forms. He is said by David Lloyd, who wrote in the next century, to have been choice in five particulars: 1. his friend, which was always wise and equal; 2. his wife; 3, his book; 4, his secrets; and 5, his expression and garb. By four things he would say an estate was kept; 1, by understanding it; 2, by spending not till it comes; 3, by keeping old servants; and 4, by a quarterly audit. He was mindful of what is past, observant of things present, and provident of things to come."[1] By his will, in which his servants and the poor are charitably remembered, besides giving directions for the maintenance by his heirs for ever of six poor persons in the almshouse at Glentworth, he orders that they shall have their dinner every Sunday at Glentworth Hall, and in case of default he authorises the dean and chapter of Lincoln to distrain upon the land.

His wife Anne, daughter of Nicholas Girlington of Normanby, Yorkshire, Esq., bore him, besides one son, two daughters, the eldest of whom, Isabel, was married three times, 1. to Godfrey Foljamb; 2. to Sir William Bowes, Knight; and 3. to John Lord Darcy. The youngest daughter, Frances, had two husbands, Sir George St. Paul, of Snarford, Bart. and Robert Rich, Earl of Warwick. She was a great benefactor to Magdalen College, Cambridge, where her father was educated.

The chief justice's son William was created a baronet in 1612, and William's grandson, of Ashby in Lincolnshire, also received that honour in 1660. Both the titles in a few years became joined, but the second title expired at the death of the second baronet without male issue. The first title, however, devolved on a cousin, and then on an uncle, and continued till the twelfth possessor died in 1809 without issue, when that title also became extinct.[2]

[1] State Worthies, 580. [2] Wotton's Baronet. i. 242–249.

WYNDHAM, FRANCIS.

Just. C. P. 1579.

The ancient family of Wyndham takes its surname from the town so called in Norfolk, and the members of that branch of it to which Francis Wyndham belonged, have been distinguished from the reign of Edward II. both in the council and the field. Sir Thomas, of Felbrigge and Crounthorpe, the grandfather of the judge, was vice-admiral to Henry VIII.; and Sir Edmund, his father, while sheriff of Norfolk in 2 Edward VI. was active in suppressing Ket's insurrection. His mother was Susan, daughter of Sir Roger Townsend of Raynham, and of a family of six children he was the second son.

He prosecuted his legal studies at Lincoln's Inn, and becoming a bencher there in 1569 he was appointed a reader in autumn, 1572. He succeeded Thomas Gawdy senior as recorder of Norwich in 1576; and in Michaelmas Term of the following year was called to the degree of the coif. The precise date of his becoming a judge of the Common Pleas is not stated, but though it is known that he was promoted to the place in that court left vacant by the elevation of Sir Roger Manwood to the chief seat in the Exchequer, which took place on November 17, 1578, it is evident that some interval must have been allowed to elapse, inasmuch as Serjeant Wyndham is named as a counsel in Easter 1579, by all the contemporary reports, and the first fine acknowledged before him as a judge is not dated till October in that year.[1]

He is mentioned as one of the judges in the commission for hearing causes in Chancery in the interval between the death of Sir Christopher Hatton in November 1591, and the appointment of Sir John Puckering in May 1592.

His own death occurred at his house at Norwich in July 1592. Over his remains, in the church of St. Peter's Mancroft in that city, was erected a stately monument, on which he

[1] Dugdale's Orig. 48. 253.; Chron. Ser.

is represented in his judge's robes: but Weever states that he could find no inscription. In the Gold-hall of that city there is a picture of him as recorder.

Wotton, in describing his parentage and his marriage with a daughter of Sir Nicholas Bacon the lord keeper, (to which connection he was probably in some measure indebted for his promotion,) twice calls him *Sir* Francis. But if he received the honour of knighthood, by which very few of Queen Elizabeth's judges, except the chiefs, were distinguished, it must have been bestowed at a very late period of his life; inasmuch as in two commissions preserved in the Baga de Secretis, which are very precise in detailing the rank of the commissioners, one in December, 1583, for the trial of John Somervile and others, and the other in February, 1585, for the trial of Dr. Parry, for high treason, no such title is added to Justice Wyndham's name. His wife, who brought him no issue, survived him, and was afterwards married to Sir Robert Mansfield, knight.[1]

Three baronetcies were granted to members of this family, all of whom derived their ancestry from the judge's uncle Sir John Wyndham, who was his father's younger brother. Two of them have been long extinct; but the third survived, in the earldom of Egremont, till the year 1845, when the earl died without issue.

Two other judges, Sir Hugh and Sir Wadham Wyndham, descended from the same source, will be recorded under the reign of Charles II.

YELVERTON, CHRISTOPHER.

JUST. Q. B. 1602.

See under the Reign of James I.

[1] Wotton's Baronet. i. 4. iii. 348.; Blomefield's Norwich, i. 359., ii. 221. 231.; Weever, 802.; App. 4 Report Pub. Rec., 272, 273.

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